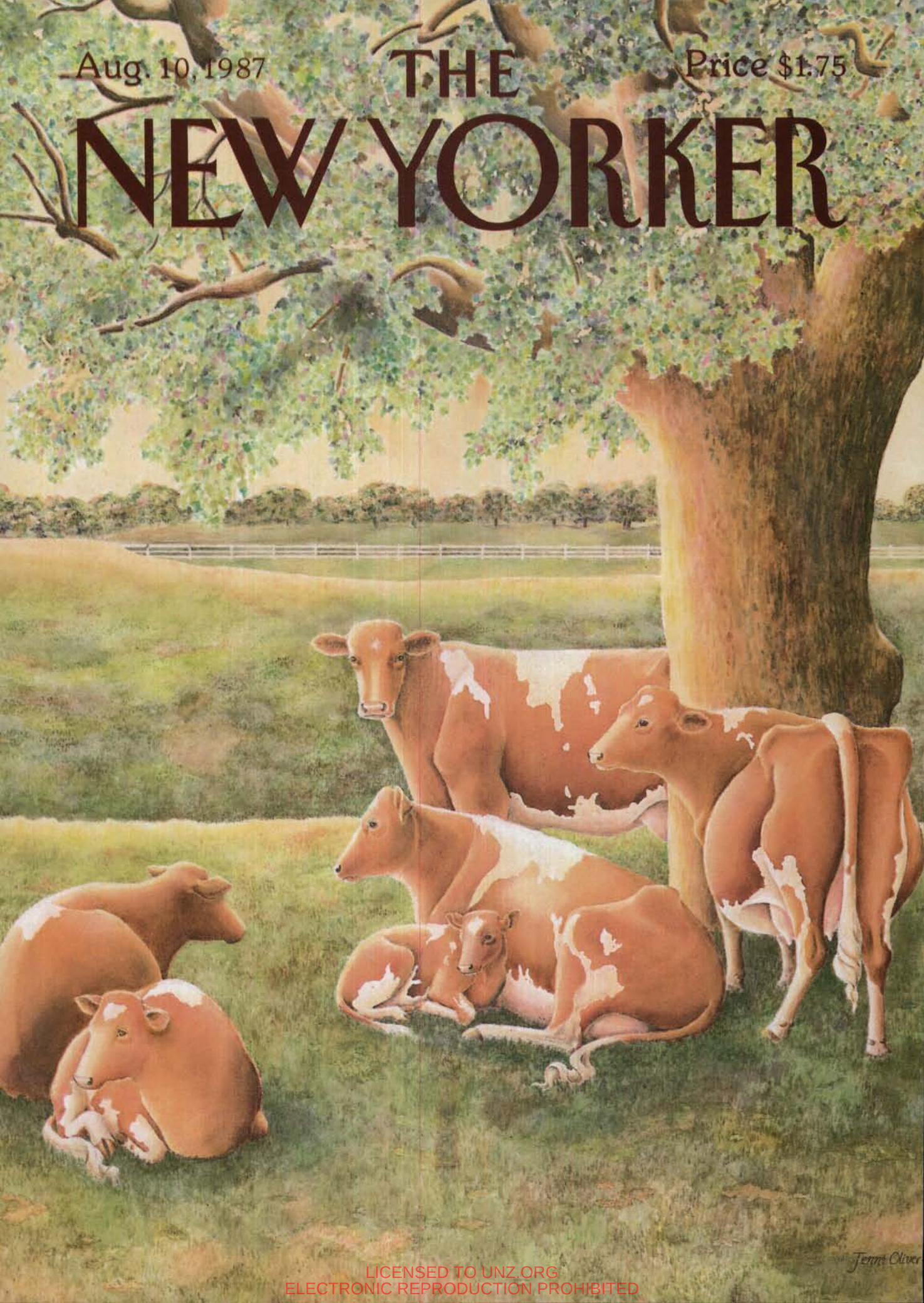


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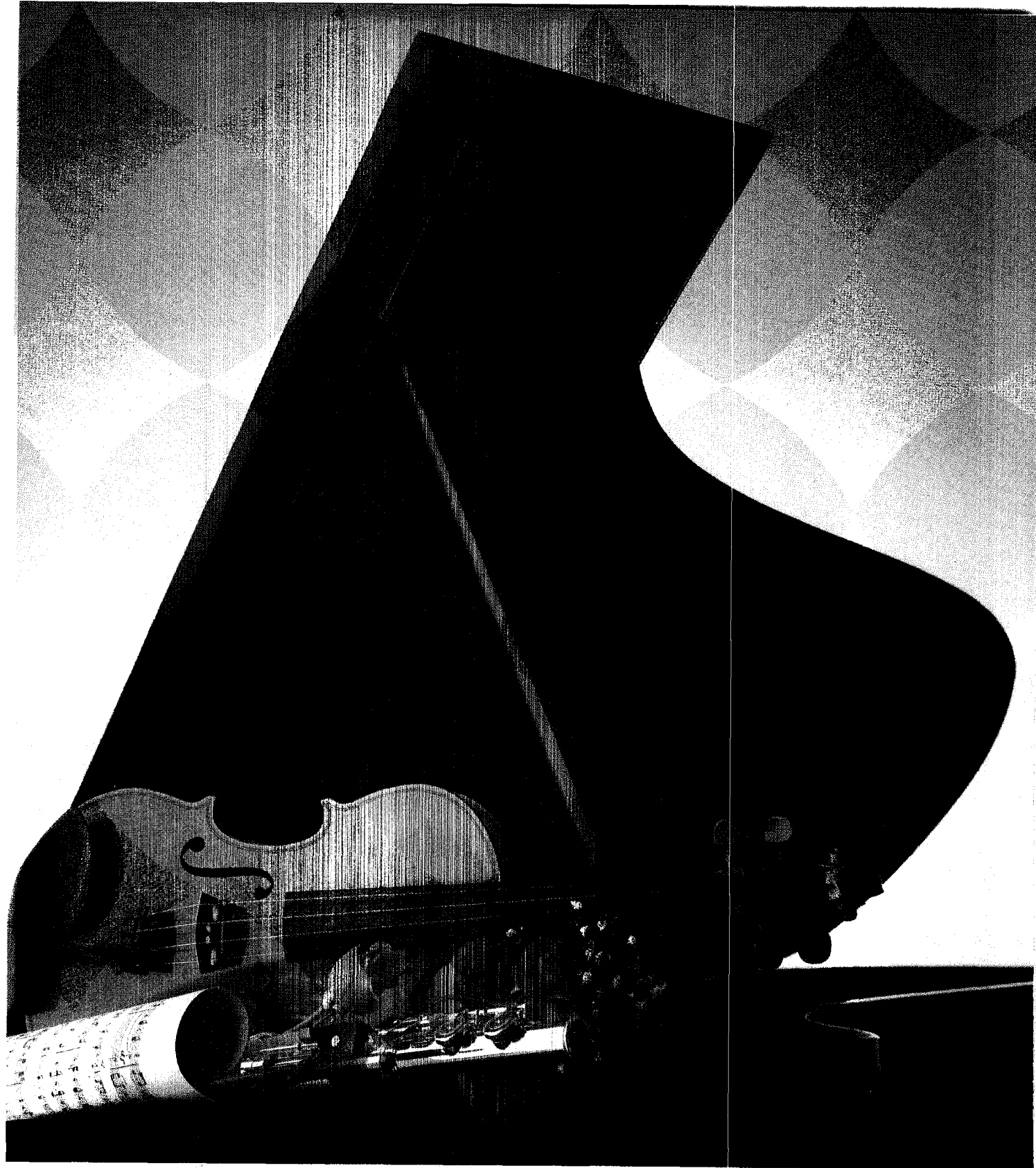
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PLAYS AND MUSICALS

BROADWAY BOUND—A touching and unexpectedly serious study of a family—presumably the playwright's—as it begins to fall apart in Brooklyn in the nineteen-forties. Neil Simon retains his accustomed skill at comedy but has wisely suppressed his weakness for sure-fire gags. Linda Lavin is superb as the troubled mother; also in the cast are Philip Sterling, John Randolph, and Phyllis Newman. Gene Saks directed. (Reviewed in our issue of 12/15/86.) (Broadhurst, 235 W. 44th St. 239-6200. Nightly, except Sundays, at 8. Matinees Wednesdays and Saturdays at 2.)

DREAMGIRLS—A return engagement of Michael Bennett's 1981 musical. Tom Egan wrote the book and lyrics, and Henry Krieger wrote the music. (Ambassador, 215 W. 49th St. 239-6200. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.)

DRIVING MISS DAISY—Alfred Uhry's play is more a sentimental than a dramatic occasion, which tells, in a series of brief scenes, of the growing attachment of a cranky old woman in Atlanta to her black chauffeur. What gives the evening distinction is the performance—the fine acting of Dana Ivey and Morgan Freeman, under Ron Lagomarsino's direction. (4/27/87) (John Houseman, 450 W. 42nd St. 564-8038. Nightly, except Sundays, at 8. Matinees Wednesdays and Saturdays at 2.)

FENCES—August Wilson's play about a black garbageman, formerly a baseball player of professional calibre, is as powerful as, and even richer than, his "Ma Rainey's Black Bottom." The triumphant performance, with James Earl Jones in the leading role, supported by Mary Alice, Courtney B. Vance, Frankie R. Faison, Ray Aranha, Charles Brown, and Karima Miller, was directed by Lloyd Richards. (4/6/87) (46th Street Theatre, 226 W. 46th St. 246-0102. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.)

THE GARDEN OF EARTHLY DELIGHTS—A return engagement of a heavenly theatre piece, seen here in 1984, that uses every resource of the theatre except words—dance, pantomime, acrobatics, clowning, and music. Based on the Hieronymus Bosch painting, it was conceived by its choreographer and director, Martha Clarke; its composer, Richard Peaslee; and the Music-Theatre Group from the Lenox Arts Center. It is a triumph for everyone concerned. (Minetta Lane Theatre, 18-22 Minetta Lane, east of Sixth Ave., between W. 3rd and Bleecker Sts. 420-8000. Tuesdays and Wednesdays at 7:30 and 9:30; Thursdays at 8; and Fridays and Saturdays at 7:30 and 9:30.)

JACKIE MASON'S "THE WORLD ACCORDING TO ME!"—Jackie Mason's material consists almost entirely of outrageous insults addressed to Jews, Italians, Poles, Puerto Ricans, and Wasps. For more than thirty years, Mason's audiences—that is, his victims—have found him hilarious, and the sorry truth of the matter is that he is hilarious. (Brooks Atkinson, 256 W. 47th St. 719-4099. Tuesdays through Saturdays at 8. Matinees Saturdays at 2 and Sundays at 3.)

LES LIAISONS DANGEREUSES—An exquisite production by the Royal Shakespeare Company of Christopher Hampton's adaptation of the scandalous 1782 novel by Choderlos de Laclos. With fine performances by Alan Rickman, Lindsay Duncan, Suzanne Burden, and Lucy Aston in the leading roles. Howard Davies was the deft director. (5/11/87) (Mu-

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sic Box, 239 W. 45th St. 239-6200. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.)

LIGHT OPERA OF MANHATTAN—Presenting **GIVE MY REGARDS TO BROADWAY**, a musical loosely adapted by Raymond Allen, Jerry Gotham, and Todd Ellison from George M. Cohan's "Little Johnny Jones." (Playhouse 91, at 316 E. 91st St. 831-2000. Wednesdays through Saturdays at 8. Matinees Wednesdays at 2, and Saturdays and Sundays at 3:30.)

LES MISÉRABLES—Colm Wilkinson is a strong Jean Valjean and Terrence Mann is his strong pursuer Javert in the musical adaptation of the Victor Hugo novel, which comes to us from France by way of England. The real standouts of the production, however, are the settings, by John Napier, and the lighting, by David Hersey. But even these, remarkable though they are, are not sustaining enough for the three and a half hours that the show runs. (3/23/87) (Broadway Theatre, Broadway at 53rd St. 239-6200. Nightly, except Sundays, at 8. Matinees Saturdays at 2.)

MOMS—A celebration of the great black comedienne Moms Mabley, as impersonated by

Clarice Taylor. (Astor Place Theatre, 434 Lafayette St. 254-4370. Tuesdays through Saturdays at 8, and Sundays at 7:30. Matinees Saturdays at 2 and Sundays at 3.)

NEGRO ENSEMBLE COMPANY—A revival of Trevor Rhone's 1985 farce **TWO CAN PLAY**, with Hazel Medina and Sullivan H. Walker. (Theatre Four, 424 W. 55th St. 246-8545. Wednesdays through Fridays at 8; Saturdays at 8:30; and Sundays at 7. Matinees Wednesdays at 2; Saturdays at 3; and Sundays at 3:30.)

THE NERD—This farce by the late Larry Shue (author of "The Foreigner") is a source of laughter from beginning to end. It tells the story of an idiotic young man who almost becomes the permanent house guest of an inoffensive architect. Robert Joy gives a first-rate comic performance in the title role. (4/6/87) (Helen Hayes, 240 W. 44th St. 944-9450. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.)

PSYCHO BEACH PARTY—This romp through early-sixties beach-blanket movies, written by Charles Busch—and significantly funnier than Mr. Busch's earlier work—uses the conventions of drag comedy to lampoon the mores and assumptions of heterosexual behavior. The production—which stars Mr. Busch as a Gidget-like figure with a Marnie-like problem—is directed by Kenneth Elliott and includes a dance number that may single-handedly bring back the limbo. (Reviewed in this issue.) (Players, 115 Macdougall St. 254-5076. Tuesdays through

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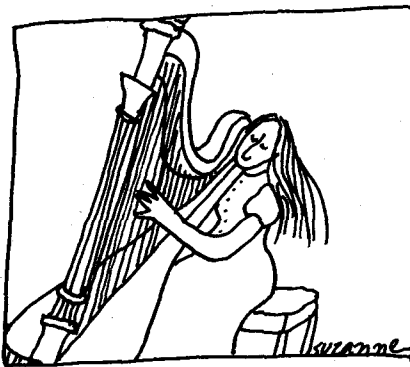
THE REGARD OF FLIGHT—Bill Irwin, sublime clown, acrobat, mime, and juggler, is appearing here for a limited engagement, with his two stalwart partners, Doug Skinner and M. C. O'Connor. (Mitzi E. Newhouse, Lincoln Center. 239-6200. Wednesday through Saturday at 8, and Sunday at 7:30. Matinees Saturday and Sunday at 2. Closes Sunday, Aug. 9.)

STARLIGHT EXPRESS—A bore on roller skates. (3/30/87) (Gershwin, 51st St. west of Broadway. 586-6510. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.)

STEEL MAGNOLIAS—A play by Robert Harling. (Lucille Lortel, 121 Christopher St. 924-8782. Tuesdays through Fridays at 8; Saturdays at 6 and 10; and Sundays at 7:30. Matinees Sundays at 3.)

TALK RADIO—The gifted Eric Bogosian appears in a strong and funny play of his own as the scornful host of a phone-in radio talk show. (6/8/87) (Public, 425 Lafayette St. 598-7150. Nightly, except Mondays, at 8. Matinees Saturdays and Sundays at 3.)

LONG RUNS—BIG RIVER: A musical version of "The Adventures of Huckleberry Finn." Twain's great novel has been respectfully dealt with in a book by William Hauptman, with music and lyrics by Roger Miller. The set designer, Heidi Landesman, has somehow managed to put the Mississippi River onstage. (Eugene O'Neill, 230 W. 49th St. 246-0220. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **LA CAGE AUX FOLLES:** A dazzling production of a musical that has little wit and a lot of phony sentimentality about the tender-hearted family life of homosexuals. The music, by Jerry Herman, is Broadway-romantic. (Palace, Broadway at 47th St. 757-2626. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **CATS:** Ezra Pound nicknamed T. S. Eliot "Old Possum," and under that name Eliot wrote a collection of poems about cats, and now the cats are on display on Broadway, with music by Andrew Lloyd Webber, scenery and costumes by John Napier, and direction by Trevor Nunn. (Winter Garden, Broadway at 50th St. 239-6200. Nightly, except Sundays, at 8. Matinees Wednesdays and Saturdays at 2.) ... **A CHORUS LINE:** A group of young dancers audition for a handful of chorus jobs in a show not yet in rehearsal, and by the time the evening is over we know everything about all of them. (Shubert, 225 W. 44th St. 239-6200. Nightly, except Sundays, at 8. Matinees Wednesdays and Saturdays at 2.) ... **COASTAL DISTURBANCES:** Tina Howe's funny and beautiful play about love is set on a private beach on Massachusetts' North Shore. Carole Rothman was the director. (Circle in the Square, 50th St. west of Broadway. 239-6200. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **THE COMMON PURSUIT:** Six Cambridge undergraduates, in the sixties, plan to launch a literary magazine in accordance with the rigorous standards of the critic F. R. Leavis, and in the ensuing twenty years manage to breach those standards. Simon Gray's play, while not especially original, is consistently entertaining. (Promenade, Broadway at 76th St. 580-1313. Tuesdays through Saturdays at 8, and Sundays at 7:30. Matinees Saturdays and Sundays at 3. Closes Sunday, Aug. 23.) ... **THE FANTASTICKS:** 11,352 performances so far. (Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinees Sundays at 3.) ... **42ND STREET:** Once upon a time there was a silly-wonderful Warner Brothers musical about a young hooper, who goes on in place of a disabled star and herself becomes a star overnight. The legitimate musical that has been fashioned from the movie musical is just as silly but by no means as wonderful. (St. James, 246 W. 44th St. 398-0280. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **I'M NOT RAPPAPORT:** Herb Gardner's synthetic, though often entertaining, comedy about two old men who share a bench in Cen-



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tral Park, starring Ossie Davis and Jack Klugman. (Booth, 222 W. 45th St. 239-6200. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **LITTLE SHOP OF HORRORS:** Based on Roger Corman's 1960 horror quickie about a man-eating plant, this exuberant, jokey musical is wholly free of camp. The score is by Alan Menken, and Howard Ashman directed and wrote the book and lyrics. Martin P. Robinson designed the menacing plant. (Orpheum, 126 Second Ave., at 8th St. 239-6200. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinees Sundays at 3.) ... **ME AND MY GIRL:** A fifty-year-old British musical, starring Jim Dale. (Marquis, Broadway at 45th St. 947-0033. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **NUNSENSE:** A musical comedy by Dan Goggin. (Douglas Fairbanks, 432 W. 42nd St. 239-4321. Tuesdays through Saturdays at 8. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.) ... **OH! CALCUTTA!** A collection of short sketches that purport to give us a refreshing view of sex and do not. (Edison, 240 W. 47th St. 302-2302. Mondays through Fridays at 8; Saturdays at 7 and 9:30; and Sundays at 7. Matinees Wednesdays and Saturdays at 2, and Sundays at 3.)

MISCELLANY

FESTIVAL LATINO IN NEW YORK—Opening performances of a three-week theatrical *celebración*, featuring plays from Latin America, Spain, and the U.S., which will run through Sunday, Aug. 23. Unless otherwise noted, all performances are in Spanish. The schedule: "El Renidero," by Sergio de Cecco. A production of Argentina's La Comedia Cordobesa. Wednesday and Thursday, Aug. 5-6, at 8. (Simultaneous-translation sets available on Thursday, Aug. 6.) ... "Las Bacantes," conceived and directed by Salvador Távora. A production of Spain's La Cuadra de Sevilla. Wednesday through Sunday, Aug. 5-9, at 8. ... "Pancho Diablo," a play (in English) by Carlos Morton. With Fernando Allende. Wednesday through Friday, Aug. 5-7, at 8, and Saturday and Sunday, Aug. 8-9, at 3 and 8. ... "La Tragicomedia de Calisto y Melibea," adapted by Miguel Sabido and Margarita Villaseñor from a play by Fernando de Rojas. A production of Venezuela's Rajatabla company. Monday, Aug. 10, through Monday, Aug. 17, at 8. (Simultaneous-translation sets available on Monday and Tuesday, Aug. 10-11, and Saturday and Sunday, Aug. 15-16.) ... "The first two performances of "La Señorita de Tacna," by Mario Vargas Llosa, with Norma Aleandro. Friday and Saturday, Aug. 14-15, at 8; simultaneous-translation sets available both days. (Public, 425 Lafayette St. 598-7150.) ... **NOTE:** There will also be a program of Latin-American and Spanish films at the Metro Cinema, and of Argentine films at the Public's movie theatre. (See "The Movie Houses," on page 9, for dates.)

OUT TO LUNCH—A musical revue by Wally White. (West Bank Café Downstairs Theatre Bar, 407 W. 42nd St. 695-6909. Wednesday and Thursday, Aug. 5-6, at 8:30.)

BEEHIVE—A musical revue, featuring girl-group songs of the sixties. (Top of the Gate, 160 Bleecker St. 982-9292. Tuesdays through Thursdays at 8; Fridays at 7:30 and 10; and Saturdays at 7 and 10. Matinees Sundays at 5.)

FORBIDDEN BROADWAY—A musical satire of Shubert Alley denizens. The lyrics to the song parodies are by Gerard Alessandrini. (Pals-son's Upstairs, 158 W. 72nd St. 595-7400. Tuesdays through Thursdays at 8:30; Fridays and Saturdays at 8:30 and 11:30; and Sundays at 8:30.)

NIGHT LIFE

(A highly arbitrary listing, in which bold-face type is used to pick out a few of the more notable performers in town. ... ¶ Musicians and night-club proprietors live complicated lives that are subject to last-minute change; it is therefore always advisable to call ahead.)

ANGRY SQUIRE, 216 Seventh Ave., at 23rd St. (242-9066)—Jazz in a lively Chelsea bar and restaurant gussied up with nautical décor.

DAKOTA STATION sings some blues and ballads on Friday and Saturday, Aug. 7-8; the following weekend, Aug. 14-15, tenor saxophonist **RALPH LALAMA**, a member of **MEL LEWIS'S** big band, will be here with his little band, of which Mr. Lewis is a solid one-third. Other groups can be heard during the rest of the week. Sets begin Sundays through Thursdays at nine-thirty, and Fridays and Saturdays at ten. Dining.

BALLROOM, 253 W. 28th St. (244-3005)—A big cabaret on the edge of Chelsea, in the heart of the fur and fashion-student districts. **JIM MORRIS** is a thirty-year-old comedian-impressionist. His first impression, he says, was of a New Jersey uncle who chewed his food funny. For the past six or seven years, he's been picking on Ronald Reagan. Morris's Reagan holds a press conference here at nine Tuesdays through Saturdays. You can pretend to be a journalist and ask him questions, and he will sing you a song from the good old days or do a soft-shoe or relay the information that is being transmitted to him through his hearing aid.

BLUE NOTE, 131 W. 3rd St., near Sixth Ave. (475-8592)—A bemirrored jazz club with a spectacular piece of neon art on the back wall (the Manhattan skyline and attendant celestial bodies) and with bright clusters of musicians on the dais. Jamaican-born pianist **MONTY ALEXANDER** and his steel-drum-driven band share the bill through Sunday, Aug. 9, with a Brazilian bop outfit that features trumpeter **CLAUDIO RODITI**, trombonist **SLIDE HAMPTON**, and percussionist **DUDUCA FONSECA**. The Lorne Schoenberg big band performs on Monday, Aug. 10. Music from nine. Dining.

BOTTOM LINE, 15 W. 4th St., at Mercer St. (228-6300)—Rock, folk, jazz, comedy, and combinations thereof in a blue, pillared room that seats four hundred. The songs that **CHRIS ISAAK** does on his records—low-key, rockabilly-edged ballads, for the most part, whose central figure is a sensitive but manly guy laid up in a Blue Hotel waiting for true love to happen—only hint at his range as a singer and performer. You might guess from the Roy Orbison echo in his voice that he was a slightly nutty romantic, but you probably wouldn't expect him to show up, as he did here a couple of weeks ago, wearing a boxy turquoise suit with spidery silver embroidery, or to strap on a squeeze-box and sing the 1945 Louis Jordan hit "Caldonia (What Makes Your Big Head So Hard?)," or to take his band through what he called "a California hootenanny free-for-all love-in tripping song," a kind of psychedelic surf instrumental in which he played a long, strobe-lit drum solo. Isaak will be here on Friday, Aug. 7. The rest of the lineup: Wednesday, Aug. 5, and Saturday, Aug. 15, **BUSTER POINDEXTER & THE BANSHES OF BLUE**; Sunday, Aug. 9, **BASS DESIRES**, with bassist **MARC JOHNSON**, guitarists **JOHN SCOFIELD** and **BILL FRISSELL**, and drummer **PETER ERSKINE**; Tuesday and Wednesday, Aug. 11-12, guitarist **JOHN MC LAUGHLIN**; and Thursday, Aug. 13, the **DESERT ROSE BAND**, a California country-rock sextet led by ex-Byrd and ex-Flying Burrito Brother **CHRIS HILLMAN**. Shows Sundays through

Thursdays at eight and eleven, and Fridays and Saturdays at eight-thirty and eleven-thirty. Dining.

BRADLEY'S, 70 University Pl., at 11th St. (228-6440)—A real New York bar; it has dark wood panelling, Type A conversationalists, and some very good pianists (who play the very beautiful concert grand that Paul Desmond bequeathed to the proprietor) and bassists. **KENNY BARRON** and **BUSTER WILLIAMS**, one half of the Monk-inspired quartet Sphere, work together through Saturday, Aug. 8, and on Monday, Aug. 10, **JOANNE BRACKEN** and **CALVIN HILL** take charge. Pianist **HUGH LAWSON**, alto saxophonist **CHARLES MC PHERSON**, and bassist **DAVID WILLIAMS** collaborate on Sunday, Aug. 9. Music from nine-forty-five. Dining.

CARLOS I, 432 Sixth Ave., at 10th St. (982-3260)—It's so nice in here—silken woodwork and long tables with pink tablecloths and pink napkins—you might mistake it for a jazz club on a movie set but for the real musicians onstage. **HAROLD ASHBY**, a Kansas City tenor saxophonist who signed on with the Ellington band in the late sixties and was described by his poetical boss as a "prime product of soul-saturated solo popping deluxe," leads a quartet here through Sunday, Aug. 9. Mondays are set aside for the father-and-son guitar team of **BUCKY** and **JOHN PIZZARELLI**. Music from nine every night except Monday, when it begins at eight. Dining.

FAT TUESDAY'S, 190 Third Ave., at 17th St. (533-7902)—A belowstairs, velvet-and-mirror-walled, mostly mainstream-jazz room. The schedule: Wednesday, Aug. 5, pianist Andy Laverne, bassist Mike Richmond, and drummer Danny Brubeck; Thursday through Saturday, Aug. 6-8, New Orleans R. & B. pianist **DR. JOHN** and the Bobby Radcliff band; Sunday, Aug. 9, clarinetist **PERRY ROBINSON'S** quartet; Tuesday, Aug. 11, pianist **KENNY WERNER'S** trio; and Wednesday, Aug. 12, guitarist **BILL FRISSELL'S** quartet. Guitarist **LES PAUL** leads a trio on Mondays. Music nightly from eight, except Mondays, when sets begin at nine. Dining.

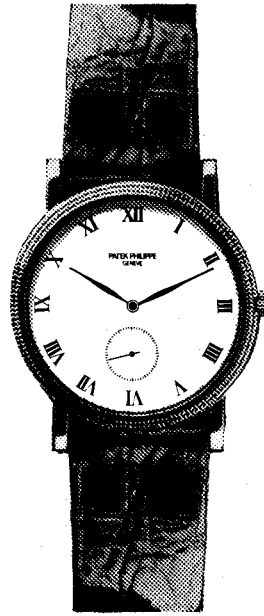
GREENE STREET, 101 Greene St. (925-2415)—A cathedral-size bar and restaurant. Pianists practice their art in a little grove of palms, a half mile or so from the bar. Bring your binoculars. The pianists: **HAL SCHAEFER** through Saturday, Aug. 8; Lynn Bernstein on Tuesday and Wednesday, Aug. 11-12; and **MICKEY TUCKER** Thursday through Saturday, Aug. 13-15. Sets begin at seven Tuesdays through Thursdays, and at seven-thirty Fridays and Saturdays. Closed Mondays.

GREGORY'S, 1149 First Ave., at 63rd St. (371-2220)—A small, dark corner bar that has the cobbled-together look—and safe-from-the-ruckus-of-the-world feeling—of a kids' clubhouse. Wednesday through Saturday, Aug. 5-8, Carla White sings with accompaniment from pianist Peter Madsen and bassist Ed Howard; Sundays and Mondays belong to singer Stan Edwards' trio; and Tuesdays are claimed by guitarist **CHUCK WAYNE'S** trio. Music from about ten.

KNICKERBOCKER, 33 University Pl., at 9th St. (228-8490)—A pleasant, low-key bar and restaurant in the piano-bass district. **BEN ARONOV** and **CHIP JACKSON** are on duty through Saturday, Aug. 8; **KENNY BARRON** and **RON CARTER** swing into action on Tuesday, Aug. 11. Music from about nine-thirty.

KNITTING FACTORY, 47 E. Houston St., near Mulberry St. (219-3055)—The dense, solemn air that usually hangs about downtown new-music spaces isn't a feature of this mini-loft, a former Avon-cosmetics office, which is run by three friendly young guys from Wisconsin. The musicians (free-jazz people, antic folk-rockers, unclassifiables), the cook (one of the proprietors) and a guitarist in a rock band called Swamp Thing, and the audiences all seem positively relaxed. The next seven nights are devoted to pianists: Wednesday, Aug. 5, Myra Melford, Wayne Horvitz, and Robin Holcomb; Thursday and Friday, Aug. 6-7, **GERI ALLEN'S** trio; Saturday, Aug. 8, Anthony Coleman and Marilyn Crispell; Sunday, Aug. 9, Borah Bergman, with violinist Jason Hwang; Monday, Aug. 10, **CHARLES EUBANKS**, Big John Patton, and Matthew Shipp; and Tuesday, Aug. 11, Noriko and **CHRIS ANDERSON**. Music after nine.

LONE STAR CAFÉ, 61 Fifth Ave., at 13th St. (242-1664)—Scary-movie buffs like the epic-size iguana on the roof; Texans like the reminders of home; and the musicians like the Texans,



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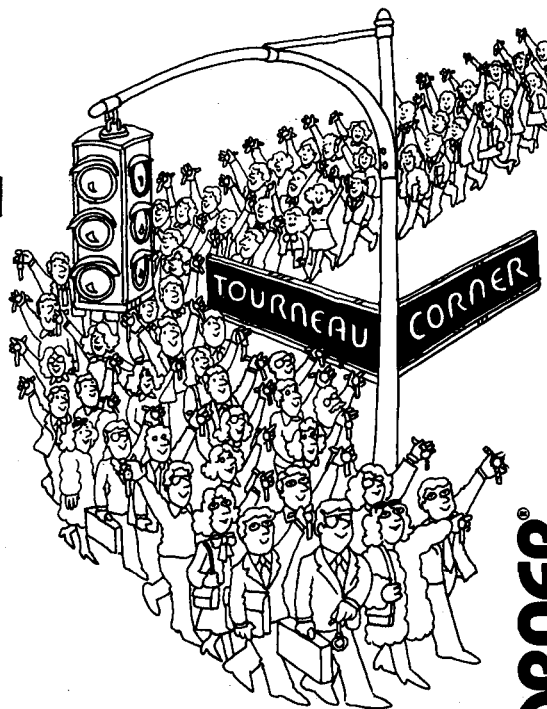
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GOINGS ON ABOUT TOWN

the New Yorkers, and the other visitors from this planet who regularly fill the joint up. Wednesday, Aug. 5, the Bluesbusters; Thursday, Aug. 6, **NEW GRASS REVIVAL**, a new-timey string band featuring Bowling Green, Kentucky, mandolinist **SAM BUSH**; Saturday, Aug. 8, the **SUN RHYTHM SECTION**, Age of Elvis rock-and-rollers from Memphis; Monday, Aug. 10, **JAMES COTTON** and **MOJO NIXON**; and Tuesday and Wednesday, Aug. 11-12, Chicago blues buddies **JUNIOR WELLS** and **BUDDY GUY**, with **SON SEALS** on Aug. 12. Music after nine. Dining.

MICHAEL'S PUB, 211 E. 55th St. (758-2272)—Clarinetist Walt Levinsky directs the Great American Swing Band in a program designed to send Benny Goodmanians. All fourteen members of the band spent some time aboard the Good Ship Benny. Shows Tuesdays through Saturdays at nine and eleven. On Mondays after nine-thirty, Woody Allen usually turns up with his litorice stick to play some blues and spirituals with the New Orleans Funeral and Ragtime Orchestra. Dining. Closed Sundays.

RITZ, 119 E. 11th St. (254-2800)—Rock and roll of the Present Moment—and, occasionally, of the Classical Era (the fifties), the Romantic Era (the sixties), and the OPEC Era (the seventies)—in a big, fancy thirties-era ballroom. Friday, Aug. 7, 10,000 Maniacs, **LIVING COLOUR** (with guitarist **VERNON REID**), and skinny, quixotic British folk-rocker **BILLY BRAGG**; Saturday, Aug. 8, the **LYRES** and Young Fresh Fellows; Wednesday, Aug. 12, Level 42; Thursday, Aug. 13, Nigerian juju-music master **EBENEZER OBEY**; and Friday and Saturday, Aug. 14-15, the **RAMONES**. Shows Sundays through Thursdays at nine, and Fridays and Saturdays at eleven.

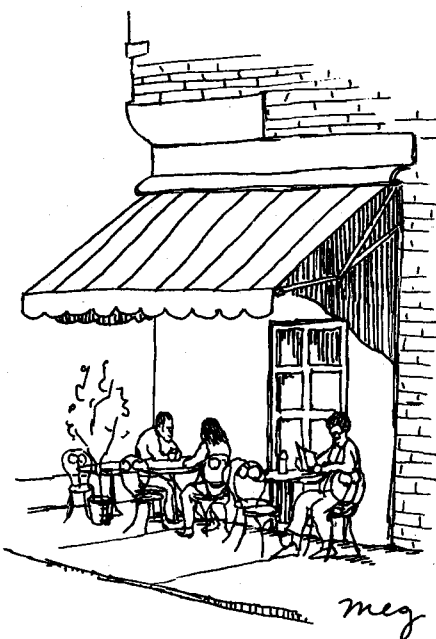
SOUNDS OF BRAZIL, 204 Varick St., at W. Houston St. (243-4940)—Tropical-forest décor (including a larger-than-life parrot suspended above the bandstand) and head-swirling music from Brazil, Africa, the Caribbean, and the U.S.A. Wednesday, Aug. 5, Max Cilla; Thursday, Aug. 6, Duke and Sam & the Caribbean Express; Friday, Aug. 7, Skah Shah; Saturday, Aug. 8, **LOREMIL MACHADO & THE SARAVA BAHIA BAND**; Wednesday and Thursday, Aug. 12-13, R. & B. singer **ETTA JAMES**; and Friday, Aug. 14, Dominican saxophonist **MARIO RIVERA & THE SALSA REFUGEES**. Music from nine Wednesdays and Thursdays, and from eleven on Fridays and Saturdays. Dining. Closed Sundays through Tuesdays.

SWEET BASIL, 88 Seventh Ave. S., at Bleecker St. (242-1785)—According to Pliny the Elder, sweet basil mixed with rose oil and vinegar and applied as a liniment relieves headache and fatigue. The spirit-lifting duties are in the hands of bassist **RICHARD DAVIS**'s quintet through Sunday, Aug. 9. **ABDULLAH IBRAHIM**, the Cape Town pianist known in his pre-Islamic period as Dollar Brand, leads a septet through his swaying, prayerful music starting Tuesday, Aug. 11. **GIL EVANS**' electrified orchestra blasts off on Mondays. Music from ten. Dining.

SWEETWATERS, 170 Amsterdam Ave., at 67th St. (873-4100)—A sleek, multitiered jazz and soul room. A white grand piano illuminates the bandstand. A version of the **COASTERS**, the rock-and-humor vocal group for whom Leiber and Stoller wrote "Yakety Yak," "Charlie Brown," and "Young Blood," performs here Thursday through Saturday, Aug. 13-15. Music from nine. Dining.

TRAMPS, 125 E. 15th St. (777-5077)—A simple no-frills blues and rock club that is attached to an Irish pub. The schedule, in part: Thursday, Aug. 6, **LIVING COLOUR** and the A-Bones; Friday and Saturday, Aug. 7-8, R. & B. singer **LOWELL FULSOM**; Sunday, Aug. 9, Jole Blonde and Firesign; Tuesday, Aug. 11, Binky Philips and the Nails; and Thursday, Aug. 13, the **SURREAL MC COYS**, a real New York country band. Music after nine-thirty.

VILLAGE GATE, 160 Bleecker St. (475-5120)—Peppy salsa bands play for their excitable fans in the gym-size downstairs room on Mondays after nine-thirty. On Aug. 10, saxophonist **EDDIE HARRIS** will take a solo or two with ensembles led by **BOBBY RODRIGUEZ** and **BOBBY VALENTIN**. Dancing under the spinning mirrored ball. ¶ In the Terrace Bar, you can keep an eye on Village street life and listen to the piano-bass team of **JUNIOR MANCE** and **MARTY RIVERA** every night but Monday. On Tuesdays, they trade sets with jazz harpist



S	M	T	W	T	F	S
			5	6	7	8
9	10	11	12	13	14	15

DAPHNE HELLMAN's trio. Music from about ten. **VILLAGE VANGUARD**, 178 Seventh Ave. S., at 11th St. (255-4037)—Perhaps the most famous basement in the world, now in its second half century, this establishment has been described by Max Gordon, the wise, elfin, cigar-smoking proprietor, as "a good joint that people like to come to—thank God." **JOE HENDERSON**, a hard-edged, post-bop tenor saxophonist, will be here with an all-woman rhythm section through Sunday, Aug. 9. On Tuesday, Aug. 11, Texas tenor **ILLINOIS JACQUET**, whose name alone suggests coattails flying, moves in with his mighty sixteen-piece swing band. Mondays remain the property of the **MEL LEWIS ORCHESTRA**. Music after ten.

WEST END, 2911 Broadway, at 113th St. (666-8750)—Past the steam tables of piping-hot student food, beyond the pinball machines and jukebox is a room full of jazz. **CARRIE SMITH** has a big, commodious voice (big enough to do, among other things, Bessie Smith and Sister Rosetta Tharpe material), and you can hear her exercise it Wednesday through Sunday, Aug. 5-9. Jaron Eames sings with pianist **LLOYD MAYERS**' trio starting Thursday, Aug. 13. Mondays are comedy nights. Shows from nine. Dining.

ZINNO, 126 W. 13th St. (924-5182)—A bright, spacious bar and restaurant with an in-between room from which music issues, putting an end to some discussions and inspiring others. Cornettist **RUBY BRAFF**, pianist **JOHN BUNCH**, and bassist **MICHAEL MOORE** swing it gently but firmly every night except Sunday. Music from eight. Closed Sundays.

JAZZ / FOLK / ROCK CONCERTS, PERSONAL APPEARANCES, ETC.

BILLY IDOL—Madison Square Garden. 563-8300. Wednesday, Aug. 5, at 8.

CHARLES MCPHERSON and the **BARRY HARRIS TRIO**—Jazz Cultural Theatre, Eighth Ave. between 28th and 29th Sts. 502-4300. Friday and Saturday, Aug. 7-8, at 10, 11:30, and 1.

THE CURE—Madison Square Garden. Monday, Aug. 10, at 8.

STARSHIP—With Cutting Crew. (Radio City Music Hall, Sixth Ave. at 50th St. 757-3100. Tuesday, Aug. 11, at 8.)

JOE PISCOPPO—With Rich Hall. (Beacon Theatre, Broadway at 74th St. 496-7070. Thursday, Aug. 13, at 8.)

PAT METHENY GROUP—Radio City Music Hall. Friday, Aug. 14, at 8.

SIUXSIE & THE BANSHEES—Felt Forum, Madison

Square Garden. 563-8300. Saturday, Aug. 15, at 8.

AL GREEN—With Tramaine and the New Jersey Mass Choir. (Radio City Music Hall. Saturday, Aug. 15, at 8.)

B. B. KING and **MILLIE JACKSON**—With Bobby Blue Bland. (Beacon Theatre. Saturday, Aug. 15, at 8 and midnight.)

ART

(Unless otherwise noted, galleries are open Mondays through Fridays from around 10 or 11 to between 5 and 6.)

GALLERIES

STUART DAVIS (1892-1964)—Watercolors and drawings. Through Saturday, Aug. 15. (Ryan, 452 Columbus Ave., at 81st St. Opens at noon Tuesdays through Saturdays.)

GROUP SHOWS—At the **ASSOCIATED AMERICAN ARTISTS**, 20 W. 57th St.: Prints dating from the sixteenth century to the present depicting various modes of transport. Through Sept. 3. . . . **CENTER FOR AFRICAN ART**, 54 E. 68th St.: More than a hundred African objects on loan from the Museum für Völkerkunde, in Munich. Through Aug. 16. (Open daily except Mondays; opens Sundays at noon.) . . . **COLE**, 200 W. 57th St.: Prints of nudes by twenty-five American artists—Milton Avery, Isabel Bishop, Louis Lozowick, and Paul Landacre among them. Through Friday, Aug. 14. . . . **ESMAN**, 70 Greene St.: Paintings and sculptures by ten artists just arriving on the gallery scene. Through Sept. 15. (Closed Mondays; open Saturdays; open Wednesday evenings until 8.) . . . **KENT**, 41 E. 57th St.: Richard Hamilton, Richard Artschwager, Nancy Dwyer, TODT, Justen Ladda, and others are represented by paintings combining text and images taken from the mass media. Through Friday, Aug. 14.

¶ Exhibitions of works by gallery members can also be seen at **ALEXANDER**, 59 Wooster St. . . . **FOURCADE**, 36 E. 75th St. (Closed Mondays.) . . . **GRAHAM**, 1014 Madison Ave., at 78th St. . . . **GRUENBAUM**, 415 West Broadway. . . . **LITTLEJOHN-SMITH**, 133 Greene St. (Closed Mondays; open Saturdays.) . . . **MARCUS**, 578 Broadway. (Closed Mondays.) . . . **STEINBAUM**, 132 Greene St. (Closed Mondays; open Saturdays.)

PHOTOGRAPHY

GUSTAVE LE GRAY (1820-82) and **HENRI LE SECQ** (1818-82)—Works by these paper-negative pioneers are at the Metropolitan. See below, under "Museums," for dates and times.

CINDY SHERMAN—The Whitney Museum has a ten-year survey of her photographs. See below, under "Museums," for dates and times.

GERMAN PHOTOGRAPHY OF THE EIGHTIES—About a hundred prints by fourteen artists who have eschewed the documentary tradition in photography; their works fall into three categories: symbolic, representational, and experimental. Through Sept. 6. (International Center of Photography, 1130 Fifth Ave., at 94th St. Tuesdays, noon to 8, with no admission charge after 5; Wednesdays through Fridays, noon to 5; Saturdays and Sundays, 11 to 6.) **NOTE:** A show of black-and-white prints by Bill Burke of Southeast Asia in the early eighties is also on view.

GROUP SHOWS—At **LIEBERMAN & SAUL**, 155 Spring St.: Works by gallery artists and others, among them Zeke Herman, Katherine Fishman, Michael Spano, and Brian Wood. Through Aug. 28. (Closed Mondays.) . . . **WITKIN**, 415 West Broadway: Chairs are the common denominator in this show of prints by more than sixty photographers. Through Aug. 21. (Closed Mondays.)

MUSEUMS AND LIBRARIES

METROPOLITAN MUSEUM, Fifth Ave. at 82nd St.: Two nineteenth-century French photographers—Gustave Le Gray (seascapes of the English Channel and the Mediterranean, and other prints) and Henri Le Secq (Chartres and Notre-Dame de Paris before their restorations, and other prints). Through Aug. 16. . . . ¶ "Dance" is the title of the Costume Institute's show of men's and women's evening dress and accessories. Through Sept. 6. . . . ¶ The museum has gone through the roof to provide a sculpture garden with spec-

tacular views over the treetops of Central Park. The rooftop sculpture garden (all twentieth-century works) is open through October. Free tickets are issued on a first-come, first-served basis. (Open daily except Mondays. Hours: Tuesdays through Sundays, 9:30 to 5:15, and Tuesday evenings until 8:45.)

MUSEUM OF MODERN ART, 11 W. 53rd St.—"Berlinski" covers paintings, plus photographs and handmade books, by artists (German and otherwise) who have been part of the Berlin art world in the past twenty-five years. Georg Baselitz, Markus Lüpertz, Rainer Fetting, Eva-Maria Schön, Jonathan Borofsky, William Eggleston, and others. Through Sept. 8. . . . A retrospective of works by the Italian industrial designer Mario Bellini, including computers, calculators, chairs, and lamps. Through Sept. 15. (Open daily, except Wednesdays, 11 to 6, and Thursday evenings until 9.) . . . **NOTE:** The museum's sculpture garden, at 14 W. 54th St., is open, free, on Fridays and Saturdays from 6 to 10, with musicians from the Juilliard School performing at 7:30.

GUGGENHEIM MUSEUM, Fifth Ave. at 89th St.—A retrospective show of the works of Joan Miró which includes paintings, objects, and works on paper. Through Aug. 23. (Open daily except Mondays. Hours: Tuesdays, 11 to 7:45, with no admission charge after 5; Wednesdays through Sundays, 11 to 4:45.)

WHITNEY MUSEUM OF AMERICAN ART, Madison Ave. at 75th St.—A large-scale exhibition of high-spirited sculptural tableaux by Red Grooms, including "City of Chicago," "Ruckus Manhattan," and "Ruckus Rodeo." Also, paintings, drawings, and prints. Through Oct. 18. . . . A show of Cindy Sherman's photographs dating from 1977 to the present. Through Oct. 4. (Open daily except Mondays. Hours: Tuesdays, 1 to 8, with no admission charge after 6; Wednesdays through Saturdays, 11 to 5; Sundays, noon to 6.)

BROOKLYN MUSEUM, Eastern Parkway—Paintings by twenty artists whose studios are in Brooklyn. Roxi Marsen, Dan Rice, George McNeil, and Irene Lipton are among them. Through Sept. 7. (Open daily, except Tuesdays, 10 to 5.)

AMERICAN MUSEUM OF NATURAL HISTORY, Central Park W. at 79th St.—The museum's vast permanent collection of things old (fossils, skeletons, artifacts) is the main attraction just now. (Open daily. Hours: Mondays, Tuesdays, Thursdays, and Sundays, 10 to 5:45; Wednesdays, 10 to 9; Fridays and Saturdays, 10 to 9, with no admission charge after 5.)

AMERICAN CRAFT MUSEUM, 40 W. 53rd St.—A two-part exhibit of ceramics, with pieces by winners of the twenty-seventh national ceramics competition and by artists who influenced them, such as Mary Frank, Peter Voulkos, and Robert Arneson. Through Oct. 18. (Open daily except Mondays. Hours: Tuesdays, 10 to 8, with no admission charge after 5; Wednesdays through Sundays, 10 to 5.)

ASIA SOCIETY, Park Ave. at 70th St.—An exhibit surveying three thousand years of Chinese celadons, a family of ceramics that reached

its peak in the hands of Sung-dynasty (960-1279 A.D.) artisans, who perfected the jadelike texture of the glaze. Bells, funerary urns, covered boxes, ewers, vases, and bottles—nearly ninety works in all. Through Sept. 6. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 11 to 6; Sundays, noon to 5.)

COOPER-HEWITT MUSEUM, Fifth Ave. at 91st St.—A show of decorative arts centering on the Parisian entrepreneur and Art Nouveau booster Siegfried Bing (1838-1905). The objects on display—painted porcelains by Edouard Vuillard, wall coverings by William Morris, prints by Edvard Munch—were among those seen in Bing's shop and workshop at 22 Rue de Provence. Through Oct. 11. . . . An exhibit of drawings done by the eighteenth-century Scottish architect Robert Adam for Kedleston Hall, a Neo-Palladian mansion in Derbyshire, which is considered his crowning achievement. Through Sept. 20. (Open daily except Mondays. Hours: Tuesdays, 10 to 9, with no admission charge after 5; Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.) . . . **NOTE:** A jazz concert will be given in the garden by Paul Motian, drums, and his ensemble on Tuesday, Aug. 11, at 6:30.

JEWISH MUSEUM, Fifth Ave. at 92nd St.—"Chagall and the Bible," a show of a hundred and five etchings illustrating the Hebrew Bible and of eighteen paintings and drawings, also with Biblical subjects. Through Sunday, Aug. 9. (Open daily except Fridays and Saturdays. Hours: Mondays, Wednesdays, and Thursdays, noon to 5; Tuesdays, noon to 8, with no admission charge from 5 to 8; Sundays, 11 to 6.)

MUSEUM OF THE CITY OF NEW YORK, Fifth Ave. at 104th St.—A selection of early-nineteenth-century furniture by New York artisan Duncan Phyfe and his contemporaries. Through Aug. 23. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 10 to 5; Sundays, 1 to 5.)

NATIONAL ACADEMY OF DESIGN, 1083 Fifth Ave., at 89th St.—American landscape painting between 1865 and 1900 summed up in seventy-seven works—by Whistler, Eakins, Chase, Lilla Cabot Perry, and others. Through Aug. 16. (Open daily except Mondays. Hours: Tuesdays, noon to 8, with no admission charge after 5; Wednesdays through Sundays, noon to 5.)

STUDIO MUSEUM IN HARLEM, 144 W. 125th St.—"Harlem Renaissance: Art of Black America," a show of two hundred paintings, sculptures, photographs, and prints, nearly all of them by five pivotal artists of the twenties—Aaron Douglas, William H. Johnson, Palmer Hayden, Meta Vaux Warrick Fuller, and James Van DerZee. Through Aug. 30. (Open daily except Mondays and Tuesdays. Hours: Wednesdays through Fridays, 10 to 5; Saturdays and Sundays, 1 to 6.)

ART AFTER DARK

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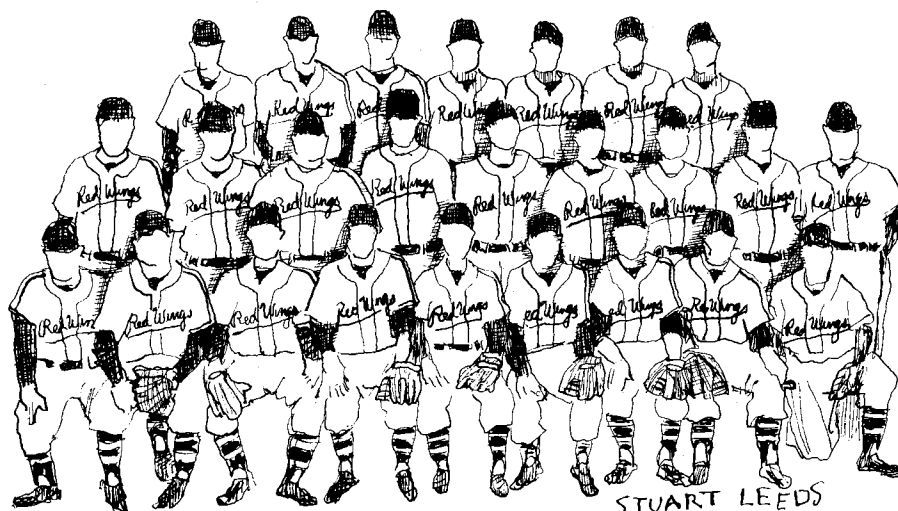
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5288—Eric Barsness and Dancers, Friday through Sunday, Aug. 7-9, at 9.

NOTE—Alfred Desio will wear electronically amplified tap shoes in his performance "Zapped Taps." (Dance Theatre Workshop, 219 W. 19th St. 924-0077. Monday and Tuesday, Aug. 10-11, at 8.)

SPORTS

(The ticket-information number for the Meadowlands is 1-201 935-3900, for Shea Stadium 1-718 507-8499, and for Yankee Stadium 293-6000.)

BASEBALL—**METS** at Shea Stadium: Vs. Philadelphia, Wednesday, Aug. 5. . . . **CHICAGO**, Thursday and Friday, Aug. 6-7, at 7:35; Saturday, Aug. 8, at 7:05; and Sunday, Aug. 9, at 1:35. . . . **MONTREAL**, Monday and Tuesday, Aug. 10-11, at 7:35, and Wednesday, Aug. 12, at 1:35. . . . **YANKEES** at Yankee Stadium: Vs. Cleveland, Friday and Saturday, Aug. 14-15, at 7:30.

FOOTBALL—Jets vs. Philadelphia Eagles, in an exhibition game. (Giants Stadium, the Meadowlands. Saturday, Aug. 15, at 8.)

RACING—At **MONMOUTH PARK**, Oceanport, N.J.: Weekdays, except Fridays, at 1:30. Races begin at 3 on Fridays. Through Saturday, Sept. 5. . . . **ATLANTIC CITY RACE COURSE**, McKee City, N.J.: Mondays and Wednesdays through Saturdays at 7; through Saturday, Sept. 5. . . . **SARATOGA**: Daily, except Tuesdays, at 1:30; through Monday, Aug. 31. The Whitney Handicap, Saturday, Aug. 8, and the Alabama, Saturday, Aug. 15.

TROTting—At the **MEADOWLANDS**: Weeknights, except Saturday, Aug. 8, at 7:30; through Saturday, Aug. 22. Post time will be at noon on Saturday, Aug. 8; the Hambletonian will be the feature race. . . . **ROOSEVELT RACEWAY**: Nightly at 7:30; through Wednesday, Oct. 14. . . . **SARATOGA RACEWAY**, Saratoga Springs: Weeknights at 7:45; through Saturday, Nov. 21.

MUSIC

NEW YORK CITY OPERA—Wednesday, Aug. 5, at 8: "Faust," with Faith Esham, Susanne Marsee, Richard Leech, and John Cheek; conducted by Sergiu Comissiona. . . . **Friday**, Aug. 7, at 8: "La Rondine," with Leigh Munro, Claudette Peterson, Jon Garrison, and Stanley Cornett; Alessandro Scialiani. . . . **Saturday**, Aug. 8, at 2: "La Traviata," with Marilyn Mims, John Stewart, and Pablo Elvira; Michael Morgan. . . . **Saturday**, Aug. 8, at 8: "Cavalleria Rusticana," with Kathryn Bouleyn, Stefano Algeri, and Stanley Wexler; and "Pagliacci," with Marianna Christos, Jon Fredric West, Frederick Burchinal, and William Pacher. Sergiu Comissiona conducting. . . . **Tuesday**, Aug. 11, at 8: "La Bohème," with Elizabeth Hynes, Richard Leech, Scott Reeve, and Kurt Link; Scott Bergeson. . . . **Wednesday**, Aug. 12, at 8: "Tosca," with Elizabeth Holleque, Robert Grayson, and Robert McFarland; Alessandro Scialiani. . . . **Thursday**, Aug. 13, at 8: "Cavalleria Rusticana," with Leslie Richards, Larry Bakst, and Stanley Wexler; and "Pagliacci," with Margaret Cusack, John Absalom, Frederick Burchinal, and Robert McFarland. Sergiu Comissiona conducting. . . . **Friday**, Aug. 14, at 8: A new production of "Die Zauberflöte" ("The Magic Flute"), with Faith Esham, Rachel Rosales, Jon Garrison, and Stephen Dickson; Sergiu Comissiona. . . . **Saturday**, Aug. 15, at 2: "Le Nozze di Figaro," with Elizabeth Hynes, Gianna Rolandi, Cynthia Rose, and Kurt Link; Scott Bergeson. . . . **Saturday**, Aug. 15, at 8: "Madame Butterfly," with Maria Spacagna, Jane Shaulis, Richard Leech, and Robert McFarland; Imre Pallo. (New York State Theatre. 870-5570. Through Sunday, Nov. 15.)

MOSTLY MOZART FESTIVAL—Wednesday, Aug. 5: Gerard Schwarz conducting the Mostly Mozart Festival Orchestra in Handel's oratorio "Acis and Galatea," with Eric Mills, soprano; John Aler and David Britton, tenors; John Shirley-Quirk, baritone; and the New York Choral Artists. . . . **Thursday**, Aug. 6: Alicia de Larrocha, piano. . . . **Friday** and Saturday, Aug. 7-8: George Cleve conducting the Mostly Mozart Festival Orchestra, with Rudolf Firkušný, piano, and Henryk Szeryng, violin. . . . **Sunday**, Aug. 9 (postponed from July 12): André Watts, piano. . . . **Monday**, Aug. 10: The Cleveland Quartet, with Ho-

racio Gutiérrez, piano, and Bernard Greenhouse, cello. . . . **Tuesday** and Wednesday, Aug. 11-12: George Cleve conducting the Mostly Mozart Festival Orchestra, with Mr. Watts, piano. . . . **Thursday**, Aug. 13, and Saturday, Aug. 15: Gerard Schwarz conducting the Mostly Mozart Festival Orchestra, with Hei-Kyung Hong, Gail Dobish, and Kaaren Erickson, all sopranos, and Jerry Hadley and Michael Myers, tenors. . . . **Friday**, Aug. 14: Chamber music, with Pinchas Zukerman, violin and viola; Midori, violin; Paul Neubauer, viola; Ralph Kirshbaum, cello; Joaquín Valdepeñas, clarinet; Marc Neikrug, piano; and Yefim Bronfman, piano. (Avery Fisher Hall. 874-2424. Nightly at 8. With pre-concert recitals at 7, except on Sunday, Aug. 9. Through Saturday, Aug. 22.)

NOTE—The Boston Museum Trio, with Nancy Armstrong, soprano, will give a recital in the Garden Court of the Frick Collection (1 E. 70th St.) on Wednesday, Aug. 19, at 5:30. Free tickets, limited to two per applicant, will be issued in the order that written applications are received on Monday, Aug. 10 (not before). A self-addressed, stamped envelope should be enclosed.

THE GREAT OUTDOORS

NEW YORK SHAKESPEARE FESTIVAL—Free performances of the **TWO GENTLEMEN OF VERONA**, with Elizabeth McGovern as Julia. The second of three productions to be presented at the Delacorte Theatre this summer. (Central Park near W. 81st St. Nightly, except Mondays, at 8. Through Sunday, Aug. 16. For information about tickets, which are required, call 861-7277.)

DAMROSCH PARK, Lincoln Center—John Lewis conducting the American Jazz Orchestra, with Benny Carter, alto saxophone. (Thursday, Aug. 6, at 8:15.) . . . **Marie Brooks Caribbean Dance Theatre**; Empira Loisaída; Dinizulu and his African Dancers, Drummers, and Singers; and others. (Sunday, Aug. 9, at 2.) . . . **Tahuaninsuyo**, presenting Andean music and dance. (Sunday, Aug. 9, at 8:15.) . . . **"DancEllington,"** with Mercedes Ellington and Harold Nicholas. (Monday through Thursday, Aug. 10-13, at 8:15.) . . . **Dennis Wayne's Dancers**. (Friday, Aug. 14, at 8:15.) . . . **The Modern Jazz Quartet**. (Saturday, Aug. 15, at 8:15.)

CENTRAL PARK BANDSHELL—Friday, Aug. 7, at 8: Love Theatre. . . . **Saturday**, Aug. 8, at 3: Allen Toussaint. . . . **Sunday**, Aug. 9, at 3: Moonfire and Southern Exposure. . . . **Friday**, Aug. 14, at 8: Ping Chong's Fiji Company. . . . **Saturday**, Aug. 15, at 3: David Van Tieghem. (For rain-date information, call 860-1335.)

PROSPECT PARK BANDSHELL—Friday, Aug. 7, at 8: Baba Olatunji's Drums of Passion. . . . **Saturday**, Aug. 15, at 8: Otis Blackwell and the Black Rock Coalition Orchestra. (For rain-date information, call 1-718 768-0699.)

RIVERSIDE PARK ROTUNDA—Marion Cowings and Kim Shaw. (W. 79th St., near the Boat Basin. Sunday, Aug. 9, at 4.)

MUSIC CRUISES—Concerts on excursion boats. Chuck Loeb and Chris Hunter. (South Street Seaport, Pier 16, East River at Fulton St. Monday, Aug. 10, at 6:30. For information about tickets, call 964-9082.)

WASHINGTON SQUARE PARK—Tania León conducting the Festival Orchestra in an all Latin-American program. The last in a series of concerts. (Tuesday, Aug. 11, at 8. In the

event of rain, the concert will take place in the Loeb Student Center Auditorium, New York University, Washington Square S. and La Guardia Pl.)

MUSIC FESTIVAL ON THE PIER—The Miller-beer people's summer series. Wednesday, Aug. 5, at 7:30: The Turtles (with Flo and Eddie), the Byrds, Herman's Hermits, the Grass Roots, Tommy James and the Shondells, and Mark Lindsay. . . . **Tuesday** and Wednesday, Aug. 11-12, at 7:30: Al Jarreau and Chaka Khan. (Pier 84, Twelfth Ave. at 45th St. For information about tickets, call 249-8870.)

IN THE COUNTRY

CARAMOOR MUSIC FESTIVAL—Friday, Aug. 7, at 9: Richard Westenburg directing Musica Sacra. . . . **Saturday**, Aug. 8, at 8:30: Wynton Marsalis and his quintet in a program of jazz music. . . . **Sunday**, Aug. 9, at 5:30: The Tokyo String Quartet. . . . **Friday**, Aug. 14, at 9: Three-fourths of the Guarneri Quartet, with Lydia Artymiw, piano. . . . **Saturday**, Aug. 15, at 8:30: The New York Chamber Soloists in an all-Mozart program, with Lilian Kallir, piano. . . . **Sunday**, Aug. 16, at 5:30: Andras Schiff, piano. (Katonah, N.Y. Through Sunday, Aug. 23. On Saturdays trains leave Grand Central Terminal at 2:48 and 5:48, and are met at Katonah by buses for Caramoor. For information about tickets and trains, call 1-914 232-5035.)

NORFOLK CHAMBER-MUSIC FESTIVAL—Final performances—Friday, Aug. 7, at 8:30: An all-Mozart program performed by Claude Frank, piano; Kazuhide Isomura, viola; Ronald Roseman; oboe; Arthur Weisberg, bassoon; and others. . . . **Saturday**, Aug. 8, at 8:30: The Tokyo String Quartet, with Mr. Frank, piano. (Norfolk, Conn. For information about tickets, call 1-203 542-5537.)

TANGLEWOOD—Thursday, Aug. 6, at 8:30: The Kronos String Quartet. . . . **Friday**, Aug. 7, at 7: Malcolm Lowe, violin, and Andrew Davis, piano. . . . **Friday**, Aug. 7, at 9: Andrew Davis conducting the Boston Symphony, with Ken Noda, piano, and Mr. Lowe, violin. . . . **Saturday**, Aug. 8, at 8:30: Seiji Ozawa conducting, with Yo-Yo Ma, cello. . . . **Sunday**, Aug. 9, at 2:30: Andrew Davis conducting, with Bella Davidovich, piano. . . . **Thursday**, Aug. 13, at 8:30: Emanuel Ax, piano, and Mr. Ma, cello. . . . **Friday**, Aug. 14, at 7: Katia and Marielle Labèque, duo piano. . . . **Friday**, Aug. 14, at 9: Leonard Slatkin conducting the Boston Symphony, with Matt Haimovitz, cello. . . . **Saturday**, Aug. 15, at 8:30: Leonard Bernstein conducting, with Wendy White, mezzo-soprano. . . . **Sunday**, Aug. 16, at 2:30: Leonard Slatkin conducting, with the Misses Labèque, duo piano. (Lenox, Mass. Through Sunday, Aug. 30. For information about tickets, call 1-413 637-1666.)

JACOB'S PILLOW DANCE FESTIVAL—Wednesday through Saturday, Aug. 5-8: The Hubbard Street Dance Company. . . . **Tuesday** through Saturday, Aug. 11-15: Dancers from the New York City Ballet perform works they have choreographed themselves. (Becket, Mass. Tuesdays through Thursdays at 8; Fridays at 8:30; and Saturdays at 2 and 8:30. Through Saturday, Aug. 29. For information about tickets, call 1-413 243-0745.)

SARATOGA PERFORMING ARTS CENTER—Final performances of the **PHILADELPHIA ORCHESTRA's** summer series. Wednesday, Aug. 5: Dennis Russell Davies conducting, with Ellmar Oliveira, violin. . . . **Thursday**, Aug. 6: Dennis Russell Davies conducting, with Yo-Yo Ma, cello. . . . **Friday**, Aug. 7: Robert Irving conducting a program of ballet music to be danced by Merrill Ashley and John Meehan. . . . **Saturday**, Aug. 8: Riccardo Muti conducting, with André Watts, piano. . . . **[NOTE: The Murray Louis Dance Company will give special performances Monday through Wednesday, Aug. 10-12, at 8:15; Thursday, Aug. 13, at 2 and 8:15; and Friday and Saturday, Aug. 14-15, at 8:15.]** . . . **Wednesday** and **Thursday**, Aug. 12-13: Riccardo Muti conducting. . . . **Friday**, Aug. 14: Dennis Russell Davies conducting, with Emanuel Ax, piano. . . . **Saturday**, Aug. 15: Dennis Russell Davies conducting an all-Tchaikovsky program, with Alexander Toradze, piano. (Saratoga Springs. Evenings at 8:15, with chamber music by various groups on Fridays and Saturdays at 6:45. For information about tickets, call 1-518 587-3330.)



GOINGS ON ABOUT TOWN

EAST SIDE

PUBLIC THEATRE, 425 Lafayette St. (598-7171; theatre opens in the late afternoon and is closed Mondays.)

Through Aug. 6: At 6, "The Pagan" (1929; directed by W. S. Van Dyke), with Ramon Novarro and Renée Adorée; at 8, "Singing on the Treadmill" (1974; Gyula Gazdag; in Hungarian); and, at 10, "Waltzes from Vienna" (1933; Alfred Hitchcock), with Jessie Matthews.

From Aug. 7: A program of Argentine films.

MOVELAND 8TH STREET TRIPLEX, 36 E. 8th. (477-6600)

Theatre 1: Through Aug. 6: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve. From Aug. 7: "Nadine" (Robert Benton), with Jeff Bridges and Kim Basinger.

Theatre 2: "The Witches of Eastwick" (†).
Theatre 3: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

GRAMERCY, Lexington at 23rd. (475-1660)

Through Aug. 6: "The Witches of Eastwick" (†).

From Aug. 7: "Back to the Beach" (Lyndall Hobbs), with Annette Funicello and Frankie Avalon.

BAY CINEMA, 2nd Ave. at 32nd. (679-0160)
"Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

LOEWS 34TH STREET SHOWPLACE, 238 E. 34th. (532-5544)

Theatre 1: "RoboCop" (†).
Theatre 2: "The Living Daylights" (John Glen), with Timothy Dalton.
Theatre 3: "The Untouchables" (†).

34TH ST. EAST, 241 E. 34th. (683-0255)

"Roxanne" (†).

EASTSIDE CINEMA, 3rd Ave. at 55th. (755-3020)

Through Aug. 6: "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon.

From Aug. 7: (Matinées only) "Snow White and the Seven Dwarfs," and (evenings only) "Adventures in Babysitting" (Chris Columbus).

SUTTON, 3rd Ave. at 57th. (759-1411)

Through Aug. 6: "Innerspace" (†).
From Aug. 7: "Who's That Girl" (James Foley), with Madonna and Griffin Dunne.

GOTHAM CINEMA, 3rd Ave. at 58th. (759-2262)

"Summer School" (Carl Reiner), with Mark Harmon.

PLAZA, 42 E. 58th. (355-3320)

"La Bamba" (†).

MANHATTAN TWIN, 3rd Ave. at 59th. (935-6420)

Theatre 1: "Full Metal Jacket" (†).
Theatre 2: Through Aug. 6: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve. From Aug. 7: To be announced.

BARONET AND CORONET, 3rd Ave. at 59th. (355-1663)

Theatre 1: "Roxanne" (†).
Theatre 2: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

D. W. GRIFFITH, 235 E. 59th. (759-4630)

"RoboCop" (†).

CINEMA I AND II, 3rd Ave. at 60th. (753-6022/0774)

Theatre 1: "A Man in Love" (†).
Theatre 2: "Good Morning, Babylon" (†).

GEMINI I AND 2, 2nd Ave. at 64th. (832-1670)

Theatre 1: Through Aug. 6: "Dragnet" (1987 †). From Aug. 7: "Masters of the Universe" (Gary Goddard), with Dolph Lundgren and Frank Langella.

Theatre 2: Through Aug. 6: "My Life as a Dog" (†). From Aug. 7: "Nadine" (Robert Benton), with Jeff Bridges and Kim Basinger.

BECKMAN, 2nd Ave. at 66th. (737-2622)

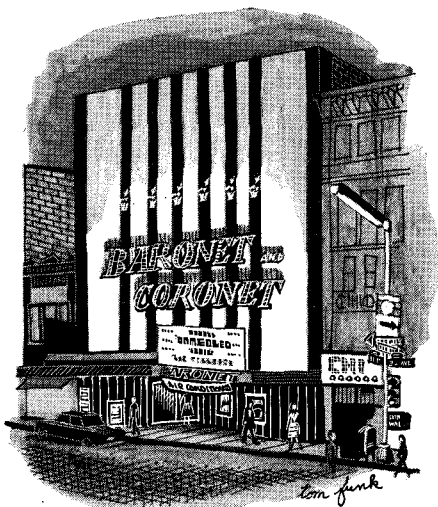
"Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

LOEWS NEW YORK TWIN, 2nd Ave. at 67th. (744-7339)

Theatre 1: "The Living Daylights" (John Glen), with Timothy Dalton.
Theatre 2: "The Untouchables" (†).

88TH ST. PLAYHOUSE, 3rd Ave. at 68th. (734-0302)
"The Whistle Blower" (†).

THE MOVIE HOUSES



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FILMS ACCOMPANIED BY A DAGGER ARE DESCRIBED IN THE "IN BRIEF" SECTION, STARTING ON PAGE 11.

LOEWS TOWER EAST, 3rd Ave. at 71st. (879-1313)
"Spaceballs" (Mel Brooks), with Brooks.

U. A. EAST, 1st Ave. at 85th. (249-5100)

Through Aug. 6: "Dragnet" (†).

From Aug. 7: "The Witches of Eastwick" (†).

86TH STREET TWIN, Lexington at 86th. (289-8900)

Theatre 1: "La Bamba" (†).
Theatre 2: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

LOEWS ORPHEUM I AND 2, 3rd Ave. at 86th. (289-4607)

Theatre 1: "The Living Daylights" (John Glen), with Timothy Dalton.
Theatre 2: "RoboCop" (†).

86TH STREET EAST TWIN, 3rd Ave. at 86th. (249-1144)

Theatre 1: Through Aug. 6: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve. From Aug. 7: To be announced.

Theatre 2: Through Aug. 6: "Full Metal Jacket" (†). From Aug. 7: To be announced.

WEST SIDE

FILM FORUM I AND 2, 57 Watts St. (431-1590; Mondays through Fridays, theatre opens in the late afternoon.)

Theatre 1: "Vampires in Havana" (1986; directed by Juan Padron; a Cuban film, in Spanish), an animated film.
Theatre 2: See listings under "Revival Houses."

BLEECKER ST. CINEMA I AND 2, 144 Bleecker St. (674-2560)

Theatre 1: Through Aug. 6: "Rosa Luxemburg" (†). From Aug. 7: "The Girl" (Arne Mattson), with Franco Nero.

Theatre 2: Through Aug. 6: (Separate admission) "Ping Pong" (Po Chih Leong; in English and Cantonese); and "Hollywood Shuffle" (Robert Townsend), with Townsend. From Aug. 7: "Eat the Peach" (†).

WAYERLY I AND 2, 6th Ave. at 3rd. (929-8037)

Theatre 1: Through Aug. 6: "Adventures in Babysitting" (Chris Columbus). From Aug. 7: "Masters of the Universe" (Gary Goddard), with Dolph Lundgren and Frank Langella.

Theatre 2: "Roxanne" (†).

8TH ST. PLAYHOUSE, 52 W. 8th. (674-6515; Mondays through Fridays, theatre opens in the late afternoon.)

"Full Metal Jacket" (†).

ART GREENWICH TWIN, Greenwich Ave. at 12th. (929-3350)

Theatre 1: Through Aug. 6: "Dragnet" (1987 †). From Aug. 7: "Who's That Girl" (James Foley), with Madonna and Griffin Dunne.

Theatre 2: "Innerspace" (†).

QUAD CINEMA, 34 W. 13th. (255-8800)

Theatre 1: "My Life as a Dog" (†).

Theatre 2: "Rita, Sue and Bob Too" (Alan Clarke).

Theatre 3: Through Aug. 6: "Prick Up Your Ears" (†). From Aug. 7: "Wolf at the Door" (Henning Carlsen), with Donald Sutherland.

Theatre 4: Through Aug. 6: "Devil in the Flesh" (1987 †). From Aug. 7: "Happy New Year" (John G. Avildsen).

23RD ST. WEST TRIPLEX, 333 W. 23rd. (989-0060)

Theatre 1: "La Bamba" (†).

Theatre 2: (Matinées only) "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon; and (evenings only) "Spaceballs" (Mel Brooks), with Brooks.

Theatre 3: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

GUILD, 33 W. 50th. (757-2406)

Through Aug. 13: "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon.

From Aug. 14: "No Way Out" (Roger Donaldson), with Kevin Costner and Gene Hackman.

ZIEGFELD, 141 W. 54th. (765-7600)

Through Aug. 6: "Roxanne" (†).

From Aug. 7: "Who's That Girl" (James Foley), with Madonna and Griffin Dunne.

57TH ST. PLAYHOUSE, 110 W. 57th. (581-7360)

Through Aug. 6: "Eat the Peach" (†).

From Aug. 7: "The Girl" (Arne Mattson), with Franco Nero.

NEW CARNEGIE, 225 W. 57th. (582-4582)

Through Aug. 6: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve.

From Aug. 7: "Happy New Year" (John G. Avildsen).

CARNEGIE HALL CINEMA, 7th Ave. between 56th and 57th. (265-2520)

"Withnail and I" (†).

CARNEGIE SCREENING ROOM, 7th Ave. between 56th and 57th. (757-2131)

"My Life as a Dog" (†).

PARIS, 4 W. 58th. (688-2013)

"Jean de Florette" (†).

CINEMA 3, 2 W. 59th. (752-5959)

"Wolf at the Door" (Henning Carlsen), with Donald Sutherland.

LOEWS PARAMOUNT, B'way at 61st. (247-5070)

"Spaceballs" (Mel Brooks), with Brooks.

LINCOLN PLAZA I, 2, AND 3, B'way at 63rd. (757-2280)

Theatre 1: Through Aug. 13: "La Gran Fiesta" (Marcos Zurinaga; in Spanish and English). From Aug. 14: "Living on Tokyo Time" (Steve Ekazaki).

Theatre 2: "Wish You Were Here" (†).

Theatre 3: "Wish You Were Here" (†).

CINEMA STUDIO I AND 2, B'way at 66th. (877-4040)

Theatre 1: "Tampopo" (†).

Theatre 2: "Full Metal Jacket" (†).

EMBASSY 72ND ST. I AND 2, B'way at 72nd. (724-6745)

Theatre 1: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

Theatre 2: Through Aug. 6: "Adventures in Babysitting" (Chris Columbus). Aug. 7-13: "Roxanne" (†). From Aug. 14: "Can't Buy Me Love" (Steve Rash).

LOEWS 84TH STREET SIXPLEX, B'way at 84th. (877-3600)

Theatre 1: "The Living Daylights" (John Glen), with Timothy Dalton.

Theatre 2: "The Untouchables" (†).

Theatre 3: "Dragnet" (1987 †).

Theatre 4: "RoboCop" (†).

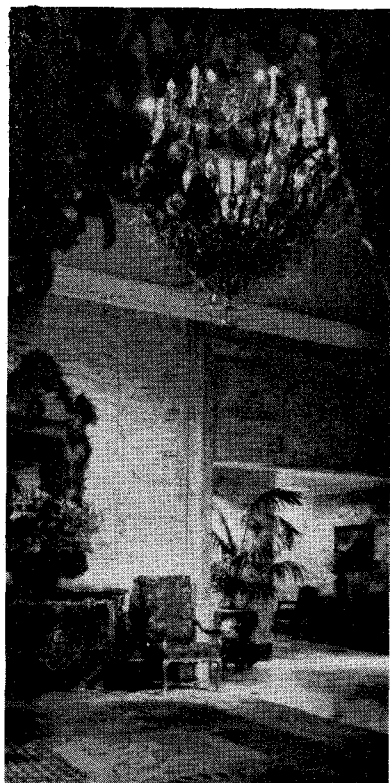
Theatre 5: "The Witches of Eastwick" (†).

Theatre 6: "The Lost Boys" (Joel Schumacher), with Dianne Wiest.

METRO CINEMA I AND 2, B'way at 99th. (222-1200)

Theatre 1: Through Aug. 6: (Matinées only) "Snow White and the Seven Dwarfs" (1938), a Walt Disney full-length cartoon;

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GOINGS ON ABOUT TOWN

and (evenings only) "Summer School" (Carl Reiner), with Mark Harmon. From Aug. 7: (Matinees only) "Snow White and the Seven Dwarfs;" and (evenings only) "Adventures in Babysitting" (Chris Columbus). Theatre 2: A program of Latin-American and Spanish films.

COLUMBIA CINEMA, B'way at 103rd. (866-7500)
"La Bamba" (†).

TIMES SQUARE AREA

CRITERION CENTER, B'way at 44th. (354-0900)

Theatre 1: "The Witches of Eastwick" (†).

Theatre 2: "The Lost Boys" (directed by Joel Schumacher), with Dianne Wiest.

Theatre 3: "Superman IV: The Quest for Peace" (Sidney J. Furie), with Christopher Reeve.

Theatre 4: "Summer School" (Carl Reiner), with Mark Harmon.

Theatre 5: Through Aug. 6: "Revenge of the Nerds II: Nerds in Paradise" (Joe Roth), with Robert Carradine. From Aug. 7: "Back to the Beach" (Lyndall Hobbs), with Annette Funicello and Frankie Avalon.

Theatre 6: Through Aug. 6: "Innerspace" (†). From Aug. 7: "Roxanne" (†).

EMBASSY 1, B'way at 46th. (757-2408)
"The Untouchables" (†).

EMBASSY 2, 3, AND 4, Seventh Ave. at 47th. (730-7262)

Theatre 2: "Stakeout" (John Badham), with Richard Dreyfuss, Emilio Estevez, and Aidan Quinn.

Theatre 3: "La Bamba" (†).

Theatre 4: "La Bamba" (†).

LOEWS ASTOR PLAZA, 44th St. at B'way. (869-8340)

"The Living Daylights" (John Glen), with Timothy Dalton.

MOVIELAND, B'way at 47th. (757-8320)

"Jaws: The Revenge" (Joseph Sargent), with Michael Caine.

NATIONAL TWIN, B'way at 44th. (869-0950)

Theatre 1: "Full Metal Jacket" (†).

Theatre 2: "RoboCop" (†).

WARNER, 7th Ave. between 42nd and 43rd. (764-6760)

Through Aug. 6: "Predator" (John McTiernan), with Arnold Schwarzenegger.

From Aug. 7: "Masters of the Universe" (Gary Goddard), with Dolph Lundgren and Frank Langella.

REVIVAL HOUSES

CINEMA VILLAGE, 22 E. 12th. (924-3363)

Through Aug. 6: A program of Bugs Bunny cartoons.

Aug. 7-8: A program of Hollywood caricature cartoons and traveltoons and newsreel funnies.

Aug. 9: A program of M-G-M cartoons.

Aug. 10-11: Two programs of Popeye cartoons.

Aug. 12-13: A program of cartoons made during the Second World War.

Aug. 14-15: A program of Warner Brothers cartoons.

FILM FORUM 2, 57 Watts St. (431-1590; Mondays through Fridays, theatre opens in the late afternoon.)

Aug. 5: "They Came from Within" (1976; directed by David Cronenberg), with Paul Hampton; and "Videodrome" (1983; David Cronenberg), with James Woods.

Aug. 6-7: "Invaders from Mars" (1953; William Cameron Menzies), with Helena Carter and Arthur Franz; and "The Invasion of the Body Snatchers" (1956; Don Siegel), with Kevin McCarthy and Dana Wynter.

Aug. 8-9: "A Clockwork Orange" (1971;

Stanley Kubrick), with Malcolm McDowell, Patrick Magee, and Adrienne Corri; and "THX 1138" (1971; George Lucas), with Donald Pleasence, Robert Duvall, and Maggie McOmie.

Aug. 10: "The Fly" (1958; Kurt Neumann), with David Hedison, Patricia Owens, and Vincent Price; and "Kronos" (1957; Kurt Neumann), with Jeff Morrow.

Aug. 11: "The Woman in the Moon" (1929; Fritz Lang; a German silent film), with Fritz Rasp; and "The 1000 Eyes of Dr. Mabuse" (1960; Fritz Lang), with Dawn Addams and Peter Van Eyck.

Aug. 12: "The Incredible Shrinking Man" (1957; Jack Arnold), with Grant Williams; and "The Space Children" (1958; Jack Arnold), with Adam Williams.

Aug. 13-14: "Brazil" (†); and "Sleeper" (1973; Woody Allen), with Allen.

From Aug. 15: "Alphaville" (1965; Jean-Luc Godard; in French), with Eddie Constantine, Anna Karina, and Akim Tamiroff; and "Blade Runner" (1982; Ridley Scott), with Harrison Ford and Rutger Hauer.

REGENCY, B'way at 67th. (724-3700)

Aug. 5: "Don't Bother to Knock" (1952; Roy Baker), with Richard Widmark, Marilyn Monroe, and Anne Bancroft; and "The Asphalt Jungle" (1950; John Huston), with Sterling Hayden, Jean Hagen, Louis Calhern, and Sam Jaffe.

Aug. 6-8: "Bus Stop" (1956; Joshua Logan), with Marilyn Monroe, Don Murray, Arthur O'Connell, Betty Field, and Eileen Heckart; and "Some Like It Hot" (1959; Billy Wilder), with Marilyn Monroe, Tony Curtis, and Jack Lemmon.

Aug. 9-10: "Sunset Boulevard" (1950; Billy Wilder), with Gloria Swanson, William Holden, and Erich von Stroheim; and "Sorry, Wrong Number" (†).

Aug. 11-12: "Horse Feathers" (†); and "Duck Soup" (1933; Leo McCarey), with the Marx Brothers.

Aug. 13-15: "Sabrina" (1954; Billy Wilder), with Humphrey Bogart, Audrey Hepburn, and William Holden; and "To Catch a Thief" (†).

THALIA SoHo, 15 Vandam St. (675-0498)

Aug. 5: "The Serpent's Egg" (1977; Ingmar Bergman), with Liv Ullmann and David Carradine; and "The Threepenny Opera" (1931; G. W. Pabst; in German), with Lotte Lenya.

Aug. 6: "Mon Oncle d'Amérique" (1980; Alain Resnais; in French), with Gérard Depardieu, Nicole Garcia, and Roger-Pierre; and "La Guerre Est Finie" (1966; Alain Resnais; in French), with Yves Montand, Ingrid Thulin, Geneviève Bujold, Michel Piccoli, and Jean Dasté.

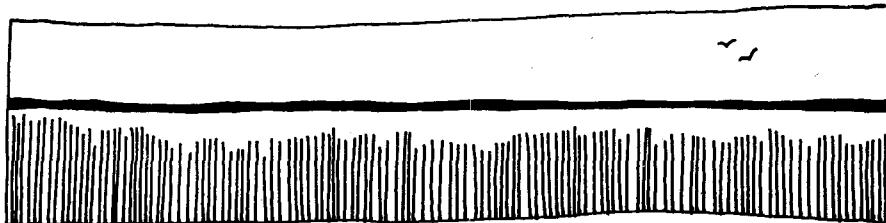
Aug. 7-8: "Blue Velvet" (1986; David Lynch), with Kyle MacLachlan, Isabella Rossellini, Dennis Hopper, and Laura Dern; and "The Elephant Man" (1980; David Lynch), with Anthony Hopkins and John Hurt.

Aug. 9: "Blood Wedding" (1981; Carlos Saura; in Spanish), with Antonio Gades; and "Le Bal" (1984; Ettore Scola).

Aug. 10: "All About Eve" (1950; Joseph L. Mankiewicz), with Bette Davis, Anne Baxter, Hugh Marlowe, Celeste Holm, and Thelma Ritter; and "The Little Foxes" (1941; William Wyler), with Bette Davis and Herbert Marshall.

Aug. 11: "L'Age d'Or" (†); and "Suspiria" (1977; Dario Argento), with Jessica Harper.

Aug. 12: "Les Misérables" (1935; Richard Boleslavsky), with Charles Laughton and Fredric March; and "Nicholas Nickleby" (1947; Alberto Cavalcanti), with Cedric



Leidi

Hardwicke, Derek Bond, and Bernard Miles.
 Aug. 13: "Waiting for Godot" (1971; Alan Schneider), with Zero Mostel and Burgess Meredith; and three short films based on Samuel Beckett material.
 Aug. 14-15: "Colegas" (1982) and "El Diputado" (1969), both films in Spanish, directed by Eloy de la Iglesia.
THEATRE 80 ST. MARKS, 80 St. Marks Pl. (254-7400)
 Aug. 5: "Fellini Satyricon" (1970; Federico Fellini; in Italian); and "Fellini's Roma" (1972; Federico Fellini; in English and Italian).
 Aug. 6: "The Hustler" (1961; Robert Rossen), with Paul Newman, Jackie Gleason, Piper Laurie, Myron McCormick, and George C. Scott; and "Cool Hand Luke" (1967; Stuart Rosenberg), with Paul Newman.
 Aug. 7-8: "Wuthering Heights" (1939; William Wyler), with Merle Oberon, Laurence Olivier, Flora Robson, and David Niven; and "Jane Eyre" (1944; Robert Stevenson), with Joan Fontaine and Orson Welles.
 Aug. 9: "Odd Man Out" (†); and "Outcast of the Islands" (1952; Carol Reed), with Trevor Howard and Ralph Richardson.
 Aug. 10: "Mon Oncle" (†); and "Mr. Hulot's Holiday" (1953; Jacques Tati; in French), with Tati.
 Aug. 11: "The Petrified Forest" (†); and "The Man Who Came to Dinner" (1942; William Keighley), with Bette Davis, Ann Sheridan, and Monty Woolley.
 Aug. 12: "Scarlet Street" (1946; Fritz Lang), with Joan Bennett, Edward G. Robinson, and Dan Duryea; and "Man Hunt" (1941; Fritz Lang), with Joan Bennett, Walter Pidgeon, George Sanders, and John Carradine.
 Aug. 13: "The Picture of Dorian Gray" (†); and "The Fan" (1949; Otto Preminger), with Madeleine Carroll, George Sanders, and Jeanne Crain.
 Aug. 14-15: "Roman Holiday" (1953; William Wyler), with Audrey Hepburn, Gregory Peck, and Eddie Albert; and "Breakfast at Tiffany's" (1961; Blake Edwards), with Audrey Hepburn, George Peppard, Patricia Neal, Martin Balsam, and Mickey Rooney.

FILM LIBRARIES, ETC.

MUSEUM OF MODERN ART, Roy and Niuta Titus Theatres, 11 W. 53rd St. (708-9490; a limited number of tickets are available to those applying for them in person at the museum after 11 on the day of the showing.)

THEATRE 1: Aug. 6 at 2:30 and 6: "The Phantom President" (1932; directed by Norman Taurog), with George M. Cohan, Claudette

Colbert, and Jimmy Durante. . . . Aug. 7 at 2:30: "We're Not Dressing" (1934; Norman Taurog), with Bing Crosby, Carole Lombard, George Burns, Gracie Allen, Ethel Merman, and Ray Milland. . . . Aug. 7 at 6: "The Princess Comes Across" (1936; William K. Howard), with Carole Lombard, Fred MacMurray, and Alison Skipworth. . . . Aug. 8 at 2: "Mrs. Wiggs of the Cabbage Patch" (1934; Norman Taurog), with Pauline Lord, W. C. Fields, ZaSu Pitts, and Evelyn Venable. . . . Aug. 8 at 5: "We're Not Dressing." . . . Aug. 9 at 2: "Mrs. Wiggs of the Cabbage Patch." . . . Aug. 9 at 5: "The Princess Comes Across." . . . Aug. 10 at 2:30 and 6: "Jennie Gerhardt" (1933; Marion Gering), with Sylvia Sydney, Donald Cook, Mary Astor, and Edward Arnold. . . . Aug. 11 at 2:30 and 6: "College Swing" (1938; Raoul Walsh), with George Burns, Gracie Allen, Bob Hope, and Martha Raye. . . . Aug. 13 at 2:30 and 6: "Dangerous to Know" (1938; Robert Florey), with Anna May Wong, Akim Tamiroff, Gail Patrick, Lloyd Nolan, and Anthony Quinn. . . . Aug. 14 at 2:30: "Four Hours to Kill" (1935; Mitchell Leisen), with Richard Barthelmess, Gertrude Michael, Helen Mack, and Ray Milland. . . . Aug. 14 at 6 and Aug. 15 at 2: "Crime Without Passion" (1934; Ben Hecht and Charles MacArthur), with Claude Rains and Margot. . . . Aug. 15 at 5: "Go West, Young Man" (1936; Henry Hathaway), with Mae West, Randolph Scott, Warren William, and Alice Brady.

THEATRE 2: Aug. 6 at 6:30 and Aug. 8 at 4: A program of German films made in Super-8mm. . . . Aug. 13 at 6:30 and Aug. 15 at 4: "Just Waiting" (1975; Stephen Dwoskin; in German, with English subtitles), "Signal—Germany on the Air" (1985; Ernie Gehr; in German, with English subtitles), and "Images of Berlin's City Railway" (1982; Alfred Behrens; in German, with English subtitles).

FILM SOCIETY OF LINCOLN CENTER—The first programs in a nineteen-day retrospective of films that opened at the New York Film Festival from 1963 to 1986, in celebration of the festival's twenty-fifth anniversary. Aug. 7 at 6:15: "The Woman Next Door" (1981; François Truffaut; in French), with Fanny Ardant and Gérard Depardieu. . . . Aug. 7 at 8:30: "Ran" (1985; Akira Kurosawa; in Japanese). . . . Aug. 8 at 12:30: "Celine and Julie Go Boating" (1974; Jacques Rivette; in French), with Juliet Berto and Dominique Labourier. . . . Aug. 8 at 4:30: "The Times of Harvey Milk" (1984; Robert Epstein), a documentary. . . . Aug. 8 at 6:30: "Wise Blood" (1979; John Huston), with Brad Dourif, Ned Beatty, Harry Dean Stanton,

and Amy Wright. . . . Aug. 8 at 9: "Week-end" (1968; Jean-Luc Godard; in French), with Mireille Darc. . . . Aug. 9 at 2:30: "Moonlighting" (1982; Jerzy Skolimowski), with Jeremy Irons. . . . Aug. 9 at 4:30: "Mean Streets" (1973; Martin Scorsese), with Robert De Niro and Harvey Keitel. . . . Aug. 9 at 6:30: "The Conformist" (1970; Bernardo Bertolucci; in French), with Jean-Louis Trintignant, Stefania Sandrelli, and Dominique Sanda. . . . Aug. 9 at 9: "Koyaanisqatsi" (1983; Godfrey Reggio). . . . Aug. 10 at 6:15: "Five Easy Pieces" (1970; Bob Rafelson), with Jack Nicholson. . . . Aug. 10 at 8:30: "In the Realm of the Senses" (1977; Nagisa Oshima; in Japanese). . . . Aug. 11 at 6:15: "Woman in the Dunes" (1964; Hiroshi Teshigahara; in Japanese), with Eiji Okada. . . . Aug. 11 at 8:45: "The American Friend" (1977; Wim Wenders), with Bruno Ganz and Dennis Hopper. . . . Aug. 12 at 6:15: "Lacombe, Lucien" (1974; Louis Malle; in French), with Pierre Blaise. . . . Aug. 12 at 9: "Last Tango in Paris" (1972; Bernardo Bertolucci; in French and English), with Marlon Brando and Maria Schneider. . . . Aug. 13 at 6:15: "Padre Padrone" (1977; Paolo Vittorio Taviani; in Italian). . . . Aug. 13 at 8:30: "Fitzcarraldo" (1982; Werner Herzog; in German), with Klaus Kinski and Claudia Cardinale. . . . Aug. 14 at 6:15: "Ménage" (1986; Bertrand Blier; in French), with Miou-Miou, Michel Blanc, and Gérard Depardieu. . . . Aug. 14 at 8:30: "7 Up" (1963) and "28 Up" (1984), two documentary films directed by Michael Apted. . . . Aug. 15 at 1:30: "Roseland" (1977; James Ivory), with Christopher Walken. . . . Aug. 15 at 4: "A Love in Germany" (1984; Andrzej Wajda; in German), with Hanna Schygulla. . . . Aug. 15 at 6:30: "Every Man for Himself" (1980; Jean-Luc Godard; in French), with Isabelle Huppert, Nathalie Baye, and Jacques Dutronc. . . . Aug. 15 at 8:30: "Tristana" (1970; Luis Buñuel; in Spanish), with Catherine Deneuve and Fernando Rey. (Alice Tully Hall. 362-1911.)

MUSEUM OF BROADCASTING, 1 E. 53rd St. (752-7684)—Through Sept. 26: "Elvis Presley: The Television Work," a retrospective. The schedule of performances is complicated; our best advice is to phone the museum for titles, schedules, and ticket information. Closed Sundays and Mondays.

CATHEDRAL OF ST. JOHN THE DIVINE, Amsterdam Ave. at 112th St. (662-2133)—"Metropolis" (1926; Fritz Lang; a German silent film), with Brigitte Helm. Original organ score written and played by Lee Erwin. (Aug. 12, at 8.)

NEW-YORK HISTORICAL SOCIETY, 170 Central Park W., at 77th St. (873-3400)—"The Crowd" (1928; King Vidor; a silent film), with Eleanor Boardman and James Murray. (Aug. 9 at 2.)

IN BRIEF

SEE ABOVE FOR THEATRE ADDRESSES AND TELEPHONE NUMBERS.

IF A MOVIE HAS BEEN REVIEWED IN "THE CURRENT CINEMA" DURING THE PAST TWO YEARS, THE DATE OF ITS REVIEW IS GIVEN.

(Unsigned notes are by Pauline Kael; others are by Terrence Rafferty.)

L'AGE D'OR (1930)—The most anti-religious, most anti-bourgeois of all Luis Buñuel's films, and, naturally, the most scandalous. This episodic sixty-minute film—surreal, dreamlike, and deliberately, pornographically blasphemous—was written by both Buñuel and Salvador Dalí, who had collaborated two years before on "Un Chien Andalou." With Gaston Modot, Lya Lys, Max Ernst, Pierre Prévert, and Jacques Brunius. In French. (Thalia SoHo; Aug. 11.)

LA BAMBÀ—With Lou Diamond Phillips and Esai Morales, directed by Luis Valdez. (Reviewed in this issue.) (Plaza, 86th Street Twin, 23rd St. West Triplex, Columbia Cinema, and Embassy.)

BRAZIL (1985)—Terry Gilliam, of the Monty Python troupe, presents a retro-futurist fantasy (like "A Clockwork Orange" or "Blade Runner")—a melancholy, joke-ridden view of the horrorfulness of where we are now and the worse horrorfulness of where we're heading. It's like a stoned, slapstick "1984," a nightmare comedy in which the comedy is just an aspect of the nightmarishness. The title refers to pop escapism of the past—what you can only dream about in the squalor and sporadic terrorist violence of an Anglo-American

police state "somewhere in the twentieth century." Visually, it's an original, bravura piece of moviemaking, with a weirdly ingenious vertical quality: the camera always seems to be moving up and down, rarely across. You get the feeling that people live and work squashed at the bottom of hollow towers. The central character (Jonathan Pryce) is a lowly clerk, a drone, in pursuit of the girl (Kim Greist) he has glimpsed in his dreams, he runs afoul of the state apparatus, and there's a superrealistic inevitability about this. The episodes lack dramatic definition, just as the gags do; they all run together and blur. And the film is both torpid and frantic. Yet Gilliam's vision is an organic thing on the screen—and that's a considerable achievement. Pryce's dead-eyed performance is charmless, but Robert De Niro turns up in a cameo role as a prankster daredevil, a freedom fighter; chomping on a cigar and all revved up, he's the life of the party. And Katherine Helmond, as Pryce's mother, delivers an elegant, broad caricature of a woman obsessed with plastic surgery. Also with Michael Palin, Ian Holm, Ian Richardson, and Kathryn Pogson. The script is by Gilliam, Tom Stoppard, and Charles McKeown. (Reviewed in our issue of 2/10/86.) (Film Forum 2; Aug. 13-14.)

DEVIL IN THE FLESH—Madness, politics, and sex-

ual frenzy: business as usual for director Marco Bellocchio. In this very loose adaptation of the famous Raymond Radiguet novel about an affair between a student and a young married woman (filmed once before, by Claude Autant-Lara in 1947), Bellocchio's work is enervated and uncertain. There are flashes of his audacity and cruel wit, but the movie never quite comes to life. Even the explicit lovemaking scenes that earned this picture its X rating seem, in context, a little academic: most of the time, Bellocchio's movie plays as a kind of structuralist dissertation on the concepts of "in" and "out." With Maruschka Detmers (a powerful sexual presence but a terrible actress) and Federico Pizzalis as the lovers. Cinematography by Giuseppe Lanci. In Italian.—T.R. (Quad Cinema; through Aug. 6.)

DAGNET—The first joke in this expensive spoof of Jack Webb's long-running TV cop show is that Sergeant Joe Friday's nephew (played by Dan Aykroyd) is, in the "swinging" Los Angeles of the eighties, an even straighter arrow than his unsmiling uncle was in the fifties. The second joke is apparently being saved for the sequel. With Tom Hanks (as Friday's partner), Christopher Plummer, Dabney Coleman, Elizabeth Ashley, and Harry Morgan, who played Webb's sidekick in the sixties version of the program. (If

GOINGS ON ABOUT TOWN

you're old enough to remember that, you're too old for this movie.) Directed, clumsily, by Tom Mankiewicz, who also conspired on the screenplay with Aykroyd and Alan Zweibel. —T.R. (Loews 84th Street Sixplex. . . . Gemini, U.A. East, and Art Greenwich Twin; through Aug. 6.)

EAT THE PEACH—Whimsical, with an element of desperation underneath. The setting is an Irish village just a few miles across the border from Northern Ireland. Thrown out of work when the local Japanese computer factory closes down, Vinnie (Stephen Brennan) and his brother-in-law, Arthur (Eamon Morrissey), watch a cassette of Elvis Presley in the 1964 "Roustabout" and see a motorcyclist ride in a carnival Wall of Death—a round, wide, high, barrel-like track where centrifugal force keeps the rider up in the air circling. Soon they're building their own Wall of Death. This engaging, informal movie—it's loose, with a lot of humor—is about the deep-seated eccentricity of a man like Vinnie, who doesn't use his problem-solving ingenuity in order to make a living or to provide decent quarters for the wife and child he loves. He's an impractical man who solves only those problems that tease his imagination. Building the Wall keeps his brains and hopes from rotting. The director, Peter Ormrod, and the producer, John Kelleher, wrote the script together; they tell the story (which is based on actual events) as if it were a simple one, taking care to let it expand in our minds. This is not like any other film you've seen; at times you may feel a little tuned out, but then the vision comes together. When Vinnie's little daughter, her face as determined as his, rides her tricycle along the Wall, trying to climb it, there's nothing coy about the kid. And when she wakes up one night and rushes out, her hair streaming back from her head, she's the soul of Ireland, the way Sara Allgood was when she played in "Juno and the Paycock." With Catherine Byrne as Nora, Niall Toibin as Boots, and Bernadette O'Neill as the blond barmaid. (7/27/87) (57th St. Playhouse; through Aug. 6. . . . Blecker St. Cinema; starting Aug. 7.)

FULL METAL JACKET—Stanley Kubrick's Vietnam film stays reasonably close to its source, Gustav Hasford's compressed, white-hot novel "The Short-Timers," yet the novel has an accumulating force of horror and the movie doesn't. The first three-quarters of an hour is basic training in the Marines stripped down to a cartoonish horrorshow; it's military S & M, and the pounding compulsiveness can easily be taken for the work of a master director. After that, the movie becomes dispersed, and you can't get an emotional reading on it. Kubrick probably believes he's numbing us by the power of his vision, but he's actually numbing us by its emptiness. The script is by Kubrick, Michael Herr, and Hasford. Shot in England, with Matthew Modine as Private Joker, who wears a Peace symbol; Vincent D'Onofrio as poor, doughy-faced Pyle; Lee Erney as the gunnery sergeant; and Arliss Howard, Dorian Harewood, and Adam Baldwin. (7/13/87) (Manhattan Twin, 8th St. Playhouse, Cinema Studio, and National Twin. . . . 86th Street East Twin; through Aug. 6.)

GOOD MORNING, BABYLON—With Vincent Spano and Joaquim de Almeida, directed by Paolo and Vittorio Taviani. (Reviewed in this issue.) (Cinema II.)

HORSE FEATHERS (1932)—The Marx Brothers in one of their niftiest corny-surreal comedies; it isn't in the class of their "Duck Soup," but then what is? The setting is academic, with emphasis on football; Groucho is Professor Wagstaff, the new president of Huxley College, who explains his policy and plans in the song "Whatever It Is, I'm Against It," and Thelma Todd is the college widow to whom all four brothers make overtures. Norman McLeod directed. With Robert Greig, David Landau, and Nat Pendleton. (Regency; Aug. 11-12.)

INNERSPACE—With Dennis Quaid as a germ-size Navy test pilot floating around inside the bloodstream of a fretful hypochondriac supermarket clerk, played by Martin Short, this sci-fi buddy-buddy comedy sounds stupid-crazy-funny, and at its best that's what it is. But mostly it gets by on being good-natured enough for you to accept its being clumsy



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and padded and only borderline entertaining. The director, Joe Dante, made his reputation by the subversion of cuddly themes. Here, working from a script by Jeffrey Boam (and Chip Proser) that's a synthesis of the 1966 "Fantastic Voyage" and the 1984 "All of Me," he seems to be slogging through pages of plot, dutifully trying to set up the mechanics for the gags to pay off. And a lot of the time he's setting up the emotional apparatus to give the movie "heart." Luckily, Quaid comes through even though it's an almost totally encapsulated performance; he may be the only actor who can be infectiously free and breezy while crunched up inside a pod. The blitheness of Meg Ryan, who's the heroine, gives the picture a lift. And Short has a drunken dance scene in which he's like an insect in convulsive ecstasy. But there's too much trumped-up tenderness and pathos in his role; the danger looms that he could become elfin-lovable—a darling. With a large cast that includes Robert Picardo, Wendy Schaal, and Ken Tobey. (7/27/87) (Art Greenwich Twin. . . . Sutton, and Criterion Center; through Aug. 6.)

JEAN DE FLORETTE—The setting is Provence in the early nineteen-twenties. As the hunchback Jean de Florette, an educated, nature-loving city fellow who has learned about farming from books, Gérard Depardieu wears "GOOD MAN" in capital letters across his wide brow; in smaller letters we can read "He has poetry in his soul." Jean has a devoted wife (Elisabeth Depardieu), who used to sing in opera, and a delicate little daughter named Manon. And for slightly over two hours we watch him trudge across the land he has inherited hauling two barrels of water that are fastened across his hump. When there's no rain, his plants shrivel and his rabbits die, and it's agonizing for us, because we know that there's a spring of fresh mountain water on the land. His neighbors—the prosperous, greedy old peasant César Soubeyran (Yves Montand) and César's dull-witted nephew, Ugolin (Daniel Auteuil)—have hidden the spring under a load of cement, so that Jean will be forced to sell out to them. Adapted from the first volume of Marcel Pagnol's two-part novel "The Water of the Hills," published in 1963 (it was derived from a picture he made in 1952), "Jean de Florette" is to be followed, later this year, by "Manon of the Spring." The director, Claude Berri, who did the adaptation with Gérard Brach, aimed for fidelity to the novel; he has said that it was his task to give the material "a cinematic rhythm," but "there was no need for imagination." That's what he thinks. The wide-screen cinematography is by Bruno Nuytten. In French. (7/13/87) (Paris.)

A MAN IN LOVE—Writer-director Diane Kurys's fourth feature, about an affair between an egocentric married American actor (Peter Coyote) and a young English-Italian bit player (Greta Scacchi), alternates hot love

scenes with cold showers of bad ideas. He's playing the lead in a film about Cesare Pavese, the Italian writer who committed suicide in 1950; her mother (Claudia Cardinale) is dying of cancer. Love, Death, the Cinema, we're meant to think, as Kurys's camera scans Coyote's face for masculine treacherousness and drools over the soft curves of Scacchi's body. The young actress seems bubble-brained throughout, but in the end she becomes a Writer, to the accompaniment of Georges Delerue's swelling music. This is art-movie making at its most dishonest: Eurosoap. The unusually attractive cast, which also includes Peter Riegert and Jamie Lee Curtis, flounders through one toneless scene after another. In English, French, and Italian. —T.R. (Cinema I.)

MON ONCLE (1958)—One often appreciates what Jacques Tati is trying to do more than what he actually brings off. His target is the depersonalization of modern life—the sterile, tasteless tedium that modern hygienic design has produced. There are genuinely inventive moments, but they are intermittent, and a fundamental miscasting confuses the issues: Shouldn't the unemotional, gawky, butterfingerted Tati be playing the plastics manufacturer rather than the warm, friendly uncle? In French. (Theatre 80 St. Marks; Aug. 10.)

MY LIFE AS A DOG—Lasse Hallström's film is a gentle, episodic narrative of a twelve-year-old boy (Anton Glanzelius) growing up in nineteen-fifties Sweden. Ingemar, a lively but sensitive kid, gets passed around from household to household when his mother becomes seriously ill. At its best, the movie is very shrewd about the ways children protect themselves from disorienting, and even traumatic, experiences. Hallström's naiveté as a director gives many of the dramatic scenes a touching straightforwardness. But that same quality sabotages the comic passages with a tone of heavy, self-satisfied whimsy. With Tomas von Brömssen, Anki Liden, Ingemar Carlsson, and Melinda Kinnaman. Screenplay by Hallström, Reidar Jönsson, Brasse Brännström, and Per Berglund, from Jönsson's novel. In Swedish.—T.R. (Quad Cinema, and Carnegie Screening Room. . . . Gemini; through Aug. 6.)

ODD MAN OUT (1946)—Wounded at noon, the Irish rebel Johnny MacQueen (James Mason) stumbles through the streets of Belfast until midnight—the object of an intense, widespread manhunt. The tormented, delirious man, bleeding to death, seeks (but does not find) refuge on his way to the grave. Though the director, Carol Reed, doesn't quite succeed in creating a masterpiece (the inflated ideas in the script don't allow him to), there are bravura visual passages, the sound is often startlingly effective, and the film provides an experience that can't be shrugged off. With Kathleen Ryan, W. G. Fay, Maureen Delany, and Denis O'Dea. (Theatre 80 St. Marks; Aug. 9.)

THE PETRIFIED FOREST (1936)—Leslie Howard is all forehead as a world-weary, desiccated intellectual who arrives on foot at a gas station and Bar-B-Q in the Arizona desert; Bette Davis is an ardent, fresh American girl, eager for experience, who lives there with her grandfather (Charley Grapewin). For a guy who's supposed to be burned out, Howard sure has a lot of talk in him, and it's fancy and poetic as all getout. Davis, surprisingly, plays her part very simply and doesn't overdo it. The movie is famous for Humphrey Bogart's "dangerous" performance as Duke Mantee, the gangster who is using the Bar-B-Q to rendezvous with his moll and the members of his mob, and who, out of mercy, gives the exhausted, idealistic intellectual the peace of death that he seeks. Bogart does look great, but you feel that his performance was worked out for the stage (he had played the part on Broadway). As moviemaking, this is a pedestrian piece of work; the director, Archie Mayo, gives you the feeling that he has even retained the stage blocking. (Theatre 80 St. Marks; Aug. 11.)

THE PICTURE OF DORIAN GRAY (1945)—Hurd Hatfield's Dorian (who sells his soul to keep his youth) doesn't look fresh; he looks glazed. And the other characters don't seem to age with the years, either, so there's no contrast with him. But the Oscar Wilde story has its compelling gimmick and its cheap thrills, and

despite his failings as writer and director Albert Lewin has an appetite for decadence and plushy décor. As Dorian's victim, the young Angela Lansbury gives her scenes true depth of feeling. With George Sanders, Donna Reed, and Peter Lawford. Made in black-and-white, with color for the portrait. (Theatre 80 St. Marks; Aug. 13.)

PRICK UP YOUR EARS—Joe Orton wrote some of the liveliest farces of the English-speaking theatre in this century, but you could come out of this movie about him without any sense of their vengeful, bawdy originality. Directed by Stephen Frears from a screenplay by Alan Bennett, based on the literary biography of the same name by John Lahr, the film is honest and watchable. But, unlike Orton, it takes no real delight in misbehaving. And though the moviemakers don't try to conceal the facts of the sixteen years that Orton (Gary Oldman) spent with Kenneth Halliwell (Alfred Molina), who bludgeoned him to death and then killed himself, what you come out with is some modern-style psychosexual moralizing about how Orton's pansexuality liberated his talent whereas the inhibited Halliwell was driven to murder. You don't feel Orton's pulse, but Vanessa Redgrave, who plays his smart, ribald agent, has never been sexier or more spontaneous. With Wallace Shawn, Lindsay Duncan, Margaret Tyzack, Janet Dale, and Julie Walters. Cinematography by Oliver Stapleton. (5/4/87) (Quad Cinema; through Aug. 6.)

ROBOCOP—With Peter Weller and Nancy Allen, directed by Paul Verhoeven. (Reviewed in this issue.) (Loews 34th Street Showplace, D. W. Griffith, Loews Orpheum, Loews 84th Street Sixplex, and National Twin.)

ROSA LUXEMBURG—Margarethe von Trotta's biography of the fiery, independent-minded Marxist writer and activist Rosa Luxemburg is conscientious but inert. Von Trotta tries to bring Luxemburg to life as a character and to reconstruct the time and place of her struggles (Germany before and just after the First World War) without romanticizing and trivializing history. The film is occasionally moving, more frequently puzzling: it bears the same uneasy relationship to both politics and entertainment as a May Day parade, and seems about as long. Barbara Sukowa's portrayal of Luxemburg, which won her a Best Actress award at last year's Cannes festival, is dogged and rather monotonous. With Daniel Olbrychski, Otto Sander, and Adelheid Arndt. Von Trotta wrote the screenplay; the excellent cinematography is by Franz Rath. In German and Polish.—T.R. (Bleecker St. Cinema; through Aug. 6.)

ROXANNE—Steve Martin is improbably light on his feet in this airy, modern love comedy based on Rostand's "Cyrano de Bergerac." He seems to crossbreed the skills of W. C. Fields and Buster Keaton, with some Fred Astaire mingled in. And as the stargazer Roxanne Daryl Hannah gives off a womanly radiance—a combination of carnality and moonlight. Directed by Fred Schepisi, from Martin's script, this film is unabashedly romantic. It's set in the ski-resort town of Nelson, Washington (nestled against the mountains, it seems a dream-built locale, but it's actually Nelson, British Columbia). You want to go to the town; you want to go back to the movie. It has a mellow, dotty charm. With Shelley Duvall, Rick Rossovich, Shandra Berli, and a squad of volunteer firefighters who are like Keystone Cops. Cinematography by Ian Baker; music by Bruce Smeaton. (6/15/87) (34th St. East, Baronet, and Waverly.... ¶ Ziegfeld; through Aug. 6.... ¶ Criterion Center; starting Aug. 7.... ¶ Embassy 72nd St.; Aug. 7-13.)

SORRY, WRONG NUMBER (1948)—Lucille Fletcher wrote this overextended treatment of her radio play about a bedridden hypochondriac who calls her husband at his office, overhears a couple of men arranging a murder, and slowly comes to realize that she is to be the victim. Barbara Stanwyck is the terrified and, finally, whimpering woman; Burt Lancaster is her morose husband. The director, Anatole Litvak, seems to be defeated by the extravagantly jumbled, shallow script. With Ann Richards. (Regency; Aug. 9-10.)

TAMPOPO—Written and directed by Juzo Itami, this understated farce has its own brand of dippy enchantment. It's about noodles, pleasure, and the movies. The title, which is Japanese for "dandelion," is the name of a fortyish widow (Nobuko Miyamoto) who is

trying to make a go of a run-down noodle shop on the outskirts of Tokyo. A courtly truck driver (Tsutomu Yamazaki), who wears a dark-brown cowboy hat straight across his brow, like the righteous hero of a solemn Western, makes it his mission to help her become a real noodle cook. The film crosscuts between the story of Tampopo and her cowboy samurai and the culinary-erotic adventures of a pair of lovers: a gangster in a white suit and his ready-for-everything cutie. These two demonstrate that eating and sex can be the same thing. The movie is constructed like a comic essay, with random frivolous touches, and much of it is shot in hot, bright color that suggests a neon fusion of urban night life and movie madness. The subtexts connect with viewers' funnybones at different times, and part of the fun of the movie is listening to the sudden eruptions of giggles—it's as if some kids were running around in the theatre tickling people. In Japanese. (6/1/87) (Cinema Studio.)

TO CATCH A THIEF (1955)—The later, jaded Hitchcock leans to malice and manner. He gets by with it here, largely because of Cary Grant's elegance as a retired cat burglar, and the luscious, sunny Riviera scenery, and Grace Kelly—she actually looks animated, and she's sexier than she is in anything else. The suspense plot isn't much; there are few thrills in this romantic comedy-thriller—it's no more than a pleasant minor diversion, but it does have a zingy air of sophistication. With Jessie Royce Landis, Charles Vanel, John Williams, and Brigitte Auber. (Regency; Aug. 13-15.)

THE UNTOUCHABLES—Set in Chicago circa 1930—Al Capone's capital of crime—this Brian De Palma movie, from a script by David Mamet, is like an attempt to visualize the public's collective dream of Chicago gangsters. Our movie-fed imagination of the past is enlarged and given a new vividness. De Palma is a showman here. Everything is neatly done in broad strokes, and the slight unbelievability of it all makes it more enjoyable. Robert De Niro's Capone is a plump peacock with receding hair and a fat cigar in his mouth. The four men who fight to restore the honor of a corrupted society—the four who can't be bribed, the Untouchables—are the fresh-faced young Special Agent Eliot Ness, played by Kevin Costner; a smart, ornery veteran cop, played (magnificently) by Sean Connery; a rookie-cop sharpshooter (Andy Garcia); and a small, middle-aged accountant (Charles Martin Smith). It's not a great movie; it's too banal, too morally comfortable—the script is too obvious. But it's a great audience movie. Cinematography by Stephen H. Burum; music by Ennio Morricone. (Every now and then you may wonder what Morricone's throbbing disco-synthesizer beat is doing in this period.) (6/29/87) (Loews 34th Street Showplace, Loews New York Twin, Loews 84th Street Sixplex, and Embassy 1.)

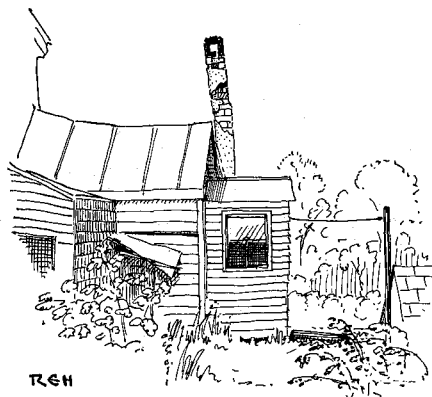
THE WHISTLE BLOWER—A gray, muted British thriller about double-dealing and intricate coverups in the intelligence service. Julian Bond's script (from a novel by John Hale) aims for the tone of civilized amorality familiar to readers of John le Carré, and the director, Simon Langton, has worked this territory before—he directed the memorable TV adaptation of "Smiley's People." But this story isn't quite complex or surprising enough to engage us fully—the fiendish overelaboration of a le Carré plot is missing. And the movie never comes to life visually: Langton

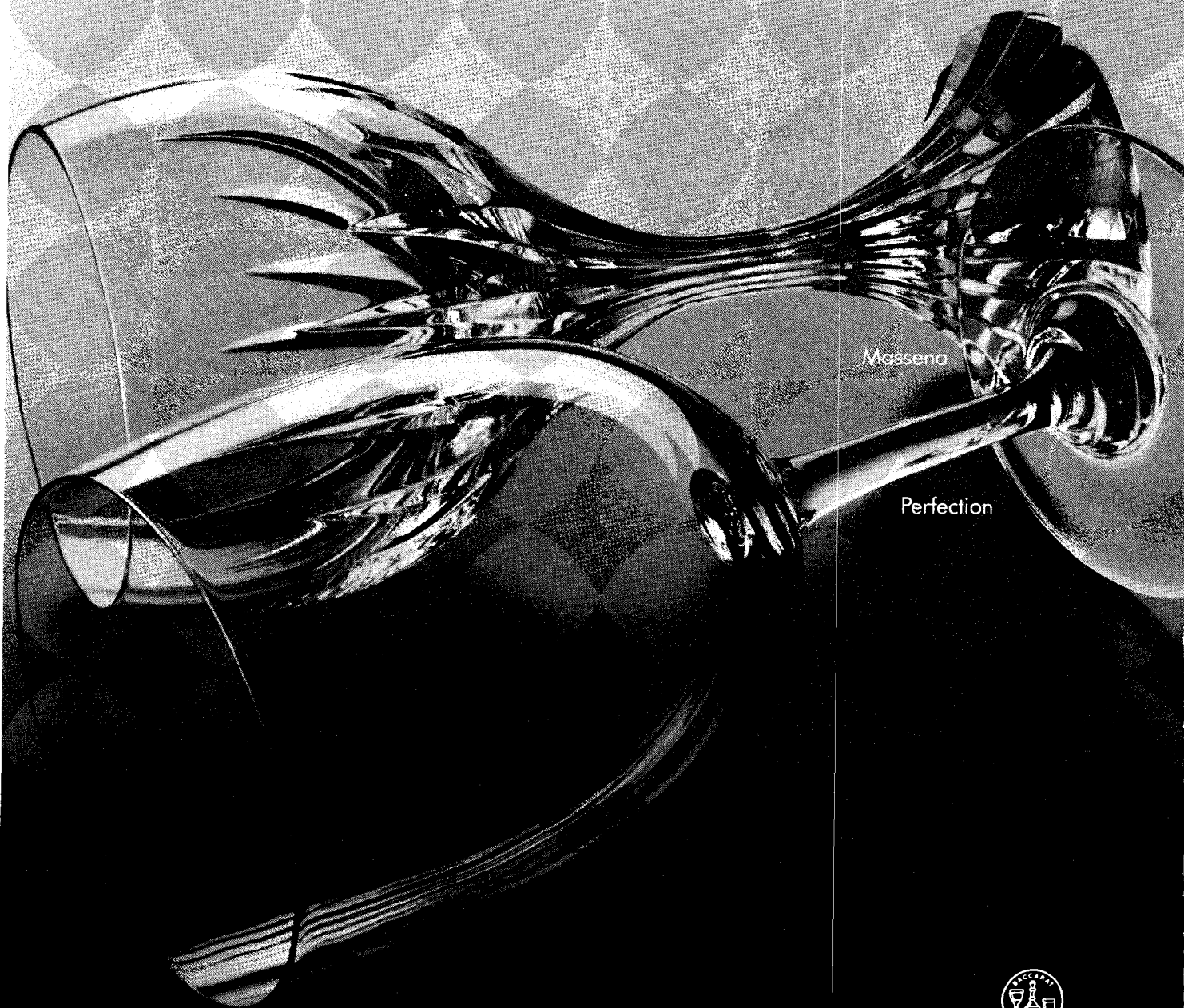
seems still to be directing for a nineteen-inch screen. It's painless, though, thanks mostly to its good cast. Michael Caine is, as always, effortlessly convincing; Sir John Gielgud provides yet another of his impeccably chiselled cameos; Barry Foster does a spectacular drunk scene; and Nigel Havers, Felicity Dean, James Fox, and Gordon Jackson mill competently through the background.—T.R. (68th St. Playhouse.)

WISH YOU WERE HERE—Set in a seaside town on the south coast of England and shot in warm, sunny flesh tones, this English comedy has a satirical yet dreamlike texture. It's about an uncontrollably ribald girl who flaunts her sexuality the same way she flaunts taboo words. It's 1951; she lifts up her skirts to show off her Betty Grable legs and gives men a good look at her knickers. The sixteen-year-old Emily Lloyd, who plays the part, has the kind of freshness and youthfulness that can't be faked on camera; she embodies everything that the writer-director David Leland is trying to say about the spontaneity, the honesty, and the happy, rude extroversion that kids have pressured out of them. The film is based on the early years of Cynthia Payne, who was the inspiration for the madam in "Personal Services" (which Leland wrote). The first-rate cast includes Tom Bell as the girl's bookie lover, Geoffrey Hutchings as her father, Jesse Birdsall as her bus-conductor boyfriend, Pat Heywood as her aunt, and Heathcote Williams as the psychiatrist she's taken to. The film has its banal side, but it's never visually banal; the cinematography is by Ian Wilson. (7/27/87) (Lincoln Plaza.)

THE WITCHES OF EASTWICK—It wavers between satirizing a hyper-sexed male's misogyny and revelling in it. Directed by George Miller (of the "Mad Max" movies), from a rickety script credited to Michael Cristofer, the movie resembles its source, John Updike's 1984 novel, only in its high gloss, the general outlines of the leading characters, some purloined lines of dialogue, and Jack Nicholson's entertainingly uncouth turns of phrase. As "your average horny little devil" he is so repulsive he's funny, and he has invented some furiously demented slapstick; he's an inspired buffoon. The three beauties whose combined longing for a man is potent enough to lure this devil from New York City to the (fictional) New England town of Eastwick are Cher as a sculptor, Susan Sarandon as a cellist and music teacher, and Michelle Pfeiffer as a reporter on the *Word*. (A brunette, a redhead, and a blonde, they have lost their husbands by death, divorce, and desertion.) About half the scenes don't make much sense, and the final ones might as well have a sign posted: "We're desperate for a finish." But even at its trashiest the movie keeps bumping along. And those women are a supple trio—not a brittle bone among them. Nicholson has waited all his acting life for a harem like this. With Veronica Cartwright as an unlucky puritan. Cinematography by Vilmos Zsigmond. (6/29/87) (Movieland 8th Street Triplex, Loews 84th Street Sixplex, and Criterion Center.... ¶ Gramercy; through Aug. 6.... ¶ U. A. East; starting Aug. 7.)

WITHNAIL AND I—This first film directed by Bruce Robinson is a very peculiar comedy about a pair of young unemployed actors living in London in 1969. This isn't the bright, swinging London of sixties legend but the damp and sunless city that always was and always will be—a claustrophobic, mildewy atmosphere lightened only by sporadic blasts of undergraduate wit. The heroes are extremely funny in the first half hour, using jokes and a variety of intoxicants to keep the rot from seeping into their bones. Then Robinson (who also wrote the screenplay) transplants them to a decrepit country cottage, and the picture—almost literally—bogs down: there hasn't been this much mud onscreen since the last hour of "The Seven Samurai." He never completely runs out of comic energy, though, and Richard E. Grant, as the flamboyantly dissolute Withnail, is wonderful throughout. This crumbling hippie/dandy is never so drunk or so stoned that he can't launch a brittle bon mot, in a perfect upper-class accent. He suggests, simultaneously, George Sanders and Keith Richards—no small accomplishment. With Paul McGann (as "I"), Richard Griffiths, and Ralph Brown as a drug dealer who attaches himself like a mold to the heroes' sofa.—T.R. (Carnegie Hall Cinema.)





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THE TALK OF THE TOWN

Notes and Comment

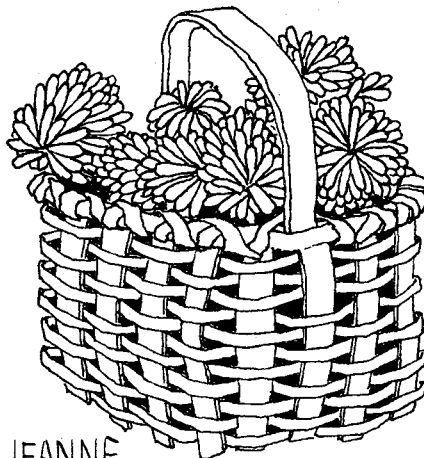
A FRIEND writes:
In 1957, when I was three years old, my grandparents built a summer cottage on the Maine coast. My grandmother named it Merrymeeting and decorated it in a nineteen-fifties color scheme that combined aqua with peach. She and my grandfather lived there every summer after that, and my parents would take my two younger brothers and me to Maine to visit them; hence the name Merrymeeting.

A summer cottage is supposed to be a structure less permanent than a real house, where you live all winter, and this cottage has bare pine walls with no insulation, and windows that are now jammed shut from the corrosive effect of salt air. The cottage has survived January breakers seething across the lawn and lapping against its foundation, but the Atlantic Ocean may claim it someday unless we resist. Maybe we should add more rocks to a pile of boulders that we have already dumped at the foot of the lawn. My mother used to take my brothers and me down to a place by the high-tide line where we could put our hands under the exposed roots of a giant spruce tree and pull out handfuls of clay. We made clay pancakes on flat stones and then pressed our palms on the clay, forming handprints. The spruce tree eventually toppled over in a storm and went right out to sea, along with the clay in its roots, and now that place is an embryonic cove.

In addition to an aqua sofa, an aqua refrigerator and stove, aqua counters, aqua bathroom fixtures, and peach towels, my grandmother (who still visits the cottage every summer) has left other traces of her presence on Merrymeeting. When my wife and I

stayed there by ourselves recently, I began to notice, hidden in cupboards, objects that I had seen before but had never much thought about. My grandmother is a pack rat. For example, she washes pieces of used aluminum foil, folds them, and stores them in used Baggies that she has also washed. So I went through the cupboards, just to see what was in them. I found a box marked "Bloomingdale's Fancy Assorted Glacé Fruits." It contained a gum eraser tied up in a used Baggie. The eraser was nicked with tooth marks, as though it were a glacé fruit that some irresponsible child (one of my brothers, I'm sure) had tasted, rejected, and put back. This same box contained a coil of measuring tape tied up in a plastic bag labelled "Wonder Tricot Sheet... 100% Nylon... Sanitized... Dries in Minutes." That recalled to me eerie nylon sheets my grandmother put on our beds: they were so slippery that you felt as though you might slide onto the floor during the night. If my brothers and I were bed wetters, as those sheets imply, it was surely from terror of falling out of bed.

I found a copy of *Life* from August,



JEANNE

1959: "NIXON WOWS WARSAW." I found a set of *Reader's Digests* marked "Save." The earlier ones dated from the nineteen-forties, when my mother began to be of courting age, and contained articles whose titles my grandmother had underlined and starred for her benefit, such as "How to Pick a Mate," "How to Marry Well," and "What About Mixed Marriages?" I found a pamphlet entitled "Malignant Cellular Evolution." (My grandfather had a long battle with cancer.) In this same cupboard I found my grandfather's canvas shoes, which he wore while swimming in the ocean, because the Maine rocks are covered with barnacles. The shoes had holes where his crooked toes had worn through the canvas.

In the medicine cabinet in the bathroom I found a box of Johnson & Johnson corn pads and, tucked on a shelf, a dispenser pack of blue-steel razor blades. My grandfather died seven years ago, and his blades are all rusted from salt air, but my grandmother has left them there anyway, for the hypothetical guest at Merrymeeting who might have forgotten to bring some blue blades to use with his safety razor—although he would get a surprise if he tried to use these. I found a vinyl travel pack of 6-12 Insect Repellent moist towelettes. When my grandfather and I were cutting trails in the woods, we would wash our sweaty faces with these things and simultaneously drive off the blackflies. I found some Reddy Safe-T-Lox diaper pins, and a crumbled box of Vaporole smelling capsules, which my grandmother keeps around for treating victims of faintness. On the box were printed these words: "Direction.—The capsule, enclosed in silken sac, to be broken between the fingers, and the vapor carefully inhaled." I followed

the direction and got a roundhouse punch from ammonia which snapped my head back.

I discovered in a bedroom a clay ashtray mashed into shape by childish thumbs and painted aqua (no doubt to attract a grandmother's eye), and filled with pennies having unrecent dates. There was no dust in this ashtray. Somebody had been removing the pennies, dusting them, and putting them back. That would be my mother (who also visits every summer), because my grandmother would have tied the pennies in a used Baggie and hidden them in a cupboard. My grandmother and her daughter, my mother, have built some small but impressive obstacles to time's arrow at Merrymeeting.

Way at the back of a shelf I came across two flat stones and a driftwood board. Each of these supported a patty of dried clay containing a handprint. The clay was cracked and broken, but somebody had carefully reassembled the pieces—that would be my mother again. My handprint was larger than the prints of my brothers, but still only half the size of my hand today. My little brother's handprint, which happened to be the one in the clay on the driftwood board, was tiny—it must have been made during the summer when he was slightly more than a year old. My mother had also guided his foot into the clay, and I could see whorls in the print. The whorls on a person's foot never change, but my brother is now a young doctor six feet three inches tall and has assisted at the delivery of babies.

What I remember—or, at least, think I can remember—is that when we were down by the spruce tree and pressed our hands into the wet clay we really had to push to make a mark. Natural Maine clay can be coarse stuff, full of sand, and, like so many things in Maine, resistant to outside influence. What I did not sense then is the way Merrymeeting and, I suppose, other such summer cottages, which were built as casual habitations, fit for living in only two or three months of the year, imperceptibly become eternal places for us, even when they're somewhat threatened by the sea. On that same shelf I found a broken barometer in the shape of a ship's pilot wheel. Its needle has been pegged at 29.75 inches of barometric pressure and holding steady for as long as I can remember, forever offering my family

a promise of "Fair Next 24 Hours, Wind Warm."

Mayor and Pig

PIGGY-WIGGY is a sow who weighs about four hundred and fifty pounds. She lives in New Jersey but often works in Manhattan. It is Piggy-Wiggy's special gift to be able to impersonate a pig: she can embody all the important traits of pigginess without actually behaving in a piggish way. She is large and pink, contentedly noisy and earthy, but not uncoöperative, selfish, or hard to be around. Because of this special talent, she appears regularly in movies and television commercials that call for a pig, and has a talent agent with an office off Times Square.

When the scriptwriter Ron Blumer wrote a scene for a public-television film which called for both a pig and a mayor of New York, the perfect casting was obvious: Piggy-Wiggy for the pig and Ed Koch for the mayor. The script that Ron Blumer was working on was commissioned by the Bar Association of New York, and its subject was the struggle for ratification of the Constitution by New York. That film is now being directed by Muffie Meyer and her partner, Ellen Hovde, and their idea is to present the debate over the Constitution in modern dress, as it might have been seen on American television. For instance, they filmed an episode of "Donahue" in which actors who had been briefed in pro- and anti-Federalist positions took the part of Phil's audience. Everyone got into the spirit of the thing. "The Constitution!" Phil Donahue ad-libbed at the beginning of the program. "It's only four pages long, but

it could start a fight in an empty bar!"

While doing research for the script, Ron Blumer, who has won several Emmys for his work with Bill Moyers, discovered that in the seventeen-eighties pigs roamed free through the streets of New York and were considered public pests. He thought it might be a good idea to add a scene about the pigs to the "newscast" on the Constitution: demonstrators protesting the pigs' presence and calling for public-sanitation measures, the mayor praising the pigs as economically efficient garbage collectors, and so on. Such a scene, he thought, would both dramatize the surprising kinds of problems that New Yorkers faced at the end of the eighteenth century and suggest, accurately, that the ratification of the Constitution was hardly the only issue concerning people at that moment.

"It's weird," he said the other day. "You sit in your office with your feet up and write 'Pig.' Then you think a little bit more and write 'Mayor.' Then the film gets funded, and somebody has to spend weeks negotiating with a mayor and a pig."

Both Piggy-Wiggy and the Mayor made certain demands before they agreed to appear together. Piggy-Wiggy, like all pigs, cannot sweat. As a consequence, her representatives explained, if Piggy-Wiggy was to work in the city in the middle of a heat wave she would have to have a constant supply of cold running water. The Mayor, of course, *can* sweat. What he cannot do, his representatives explained, is appear to be endorsing pigs as either a reasonable alternative to or a close cousin of New York's contemporary sanitation workers.

The producers accepted all these demands. They allowed the Mayor's office to vet the script, and they got a hose ready for Piggy-Wiggy. But at two o'clock Sunday before last, with nearly thirty crew members and actors and production assistants waiting for them, both the pig and the Mayor were late. No one was seriously worried about the Mayor—he was only a few minutes late, and was reported to have left Gracie Mansion. Piggy-Wiggy, on the other hand, threatened to be late in the grand, alarming, Marilyn Monroe-in-"The Misfits" manner. Piggy-Wiggy was supposed to be on the set at two-thirty, and no one had heard from her or her representatives since early that morn-



Eve Olitsky

ing. Muffie Meyer and Ellen Hovde were beginning to be concerned.

"I can't believe how calm they are," Ron Blumer said, from the top of the City Hall steps. He was looking down on Muffie (who is his wife and happens to be six months pregnant) and her partner. In the absence of their stars, Muffie and Ellen were trying to "shoot around" the Mayor and the pig. A group of demonstrators—all members of the television actors' union, dressed in overcoats and scarves—were picketing in front of the City Hall steps. (The scene was set in late winter.) The art director, John Wright Stevens, had sprinkled dry leaves over the steps.

First, Ellen and Muffie shot the demonstrators carrying placards and marching in a circle and chanting, "Left, right, left, right! Pigs must go or we will fight!" One protester carried a simple, graphic sign: it showed the face of a pig with a prohibiting slash through it. Then they shot an insert with an actor who had been chosen to play the rabble-rousing leader of the anti-pig faction: "These awful animals are wandering around the streets eating the trash!" he said, trying to strike a

note of contained rage. "In a few months, it'll be summer again, with the heat and the flies. It's a *disgrace!*"

It was after two-thirty. No pig, no Mayor. Muffie and Ellen had the crew and the cast set up for another sequence—a parade in celebration of the ratification. The actors took off their scarves and overcoats (the Constitution was ratified in the summer of 1788) and exchanged their placards for flags and balloons. Suddenly, a crackle of static burst out from one of the production assistants' walkie-talkies. She pressed her ear to the noise. "The Mayor is at Canal Street!" she shouted. A moment later, there were more garbled voices. "Piggy-Wiggy is ten minutes from City Hall!" she

cried. Muffie and Ellen smiled wanly, and some of the extras applauded.

Piggy-Wiggy was late, it turned out, because of a transportation problem. As the van containing Piggy-Wiggy and a drift of swine extras was pulling out of the farm they live on, a tree limb fell onto the windshield. No one was hurt, but Piggy-Wiggy had to be decanted into a smaller van and was finally brought into New York alone.

Shortly after the pig arrived, so did Mayor Koch, accompanied by aides and bodyguards. The Mayor wore baggy blue gabardine pants, a blue shirt, and a tie with the insignia of the Central Park Conservancy. He walked with his head down and muttered

"How'm I doin'?" to the crowd of extras.

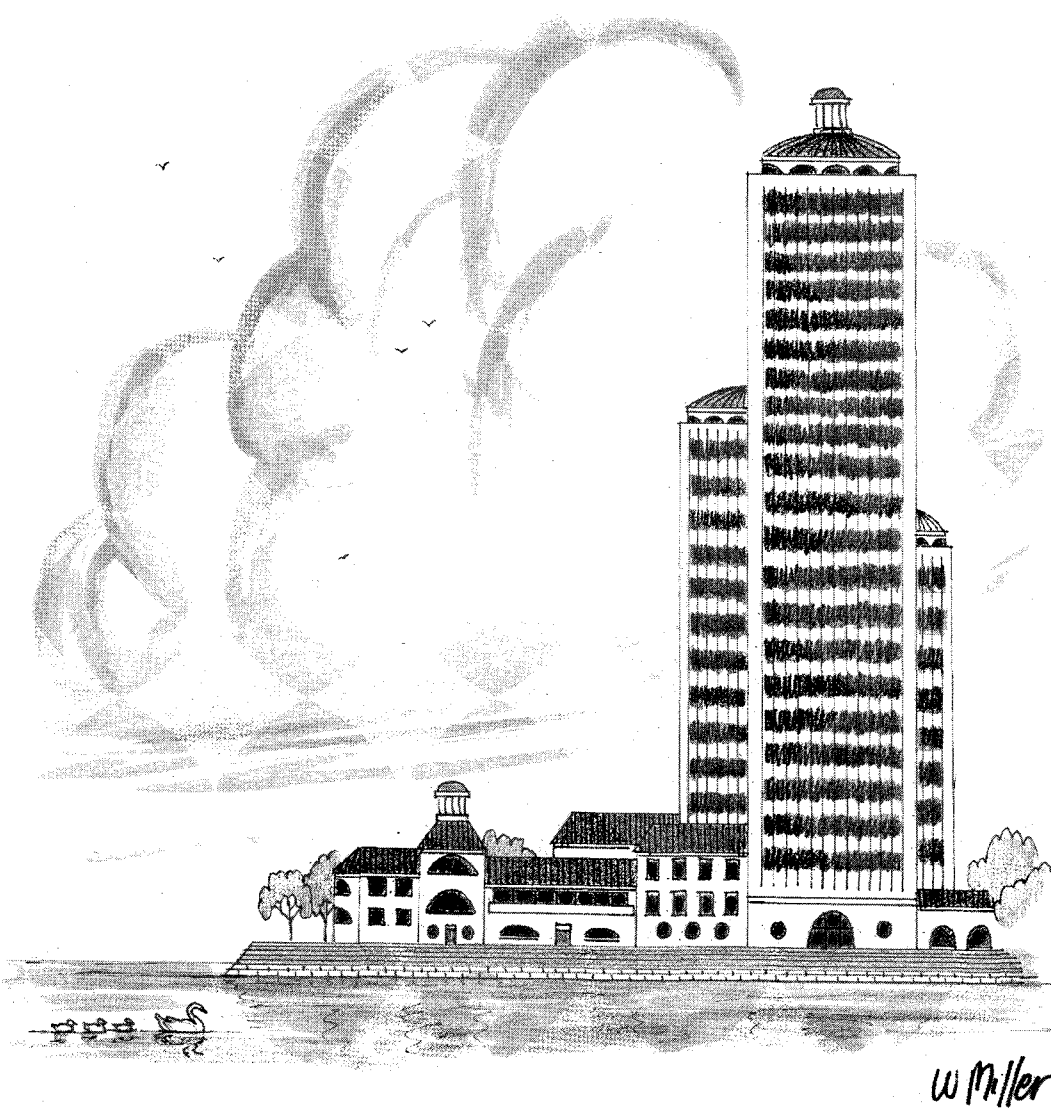
"What do I do?" he asked Muffie and Ellen.

They explained that they would be shooting his second scene first, and that he would merely have to stand in front of a store on Park Row and read his lines from a big cue card while the extras celebrated the ratification of the Constitution behind him.

"Where do I look?" the Mayor asked.

Muffie showed him where the camera was set up, with an assistant holding the cue card to the left of it.

"Tell him to hold the card above the camera," the Mayor said. "I have to be able to read and look into the



THE WORLD'S FIRST CONDOMINIUM COMPLEX BUILT ON LAND FILL CREATED FROM SHREDDED DOCUMENTS

camera at the same time. All right? Are we ready?"

The extras began celebrating, and the Mayor read his lines ("We want jobs!" and "Are you listening, up there in Poughkeepsie?") slowly and emphatically, his voice rising and falling in the rhythms that are familiar from his public performances. When he was done, Muffie and Ellen asked him if he would mind trying another reading. He nodded, signalled for everybody to get back into the scene, and read his lines again, this time reversing a couple of sentences, so that the shorter, more emphatic statements came last.

As he was performing for the second take, a group of stocky, heavily tanned men and women—the men in short-sleeved shirts and yarmulkes—walked into the scene and, despite entreaties and threats from the production assistants, just stayed there, gawking.

"Hey, it's the Mayor!" they called out, and as soon as the Mayor finished they swarmed around him. "Hey, Mr. Mayor!" one of the men said. "We are a group from Israel, Mr. Mayor! We are a group from Israel, and we want a picture!"

The Mayor looked down, stretched out his arms, and motioned for all the members of the Israeli group to come into the picture. They crowded together, the Mayor in the center, and smiled for the camera. "Is everybody

in the picture?" the Mayor asked. Then he grinned his familiar, puckish grin, timing it, it seemed, to last for precisely the brief life of a photographic exposure. "O.K., everybody," the Mayor said. "Done."

At that moment, across the street, the back door of the van opened, and Piggy-Wiggy blinked in the sunlight. The Israeli tourists raced across the parking lot. "Hey, look at this!" the man who had demanded the picture shouted as the group peered inside Piggy-Wiggy's van. "Hey, it's a pig!"

"Now, *there's* something I've never seen before," a woman said. The Mayor, all alone now, watched them without apparent emotion.

While the Israeli tourists admired Piggy-Wiggy, Muffie and Ellen led the Mayor back to City Hall and explained what he would have to do in his other scene: While the demonstrators marched, the Mayor would walk down the steps of City Hall and applaud the pig. Then he would say a few lines—so playful that they could not conceivably be misinterpreted as an attack on the sanitation workers—in defense of pigs who eat garbage.

The Mayor was outfitted with a long wool scarf, and retreated inside City Hall. The assistant director called for silence and then for action, and the scene went along more or less as written—the actors circling with their placards, the Mayor coming out

and descending the steps and applauding Piggy-Wiggy, who waited at the bottom, eating carrots. Muffie and Ellen signalled for the scene to end and conferred for a moment. Then they called the demonstrators together. "Remember, it's winter and you're *angry*," Muffie said. They asked the Mayor to go back up the steps and try the scene again.

This time, as the Mayor came down the steps, the demonstrators, improvising, broke ranks and, as soon as he began to applaud the pig, converged on him, shouting, "No pigs! No pigs!"

The Mayor seemed surprised. (Piggy-Wiggy looked unperturbed.) But then he entered into the spirit of the drama and began to impersonate a supercilious mayor. "No. No, no, no," he said, shaking his head and smiling, his eyes half closed. "No, no, no, no, *no!* This pig picks up garbage! This pig picks up garbage for *free!* This pig is *what . . . you . . . need!* This pig is trying to do his job!"

"We're paying your salary!" one of the extras began to shout. "We're paying your salary!"

"Let this pig do his job!" the Mayor said. "Leave the pig alone and let him do his job!"

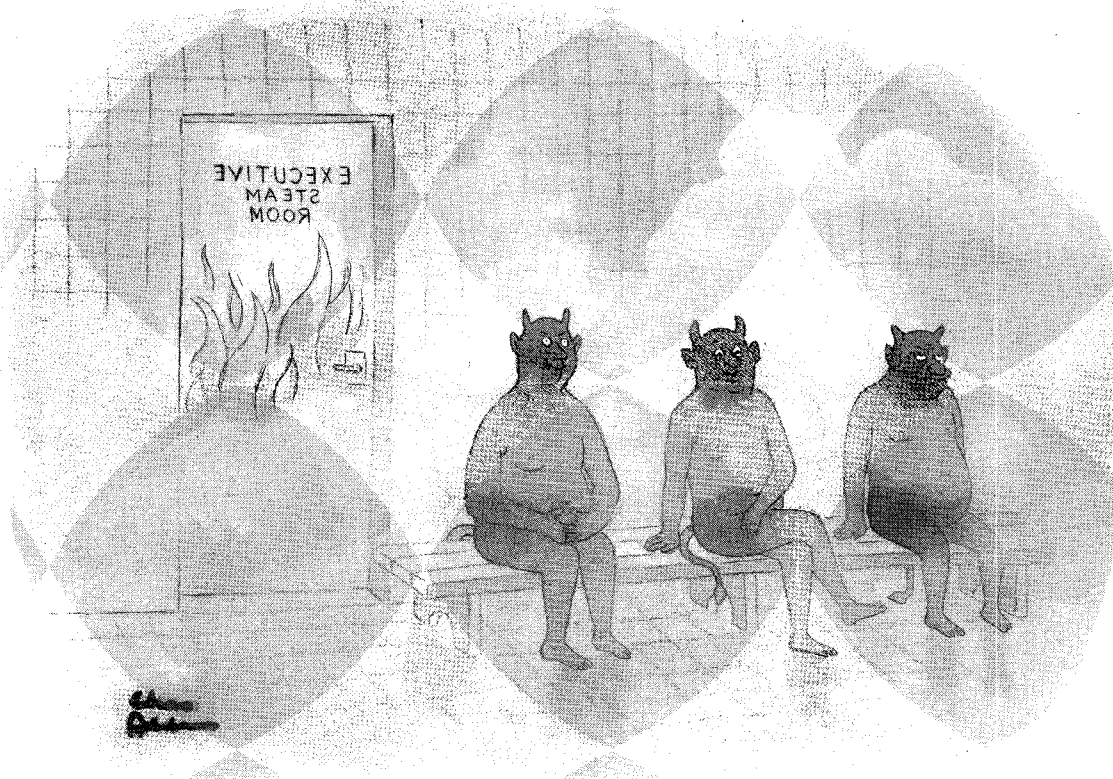
The Mayor and the demonstrators yelled back and forth over Piggy-Wiggy for another minute, and then Ellen called "Cut!"

"That was wonderful!" Muffie said.

"Done," the Mayor said softly. "Can we see the replay?"

Crystal Cruise

"I'M in advertising," a young woman with a ponytail said to us the other day as we boarded a Circle Line boat with a group of people who planned to scatter magic crystals in the waters around Manhattan. "But I also have the ability to leave my body and let another entity enter it for various purposes. By 'another entity' I mean angels, fairies—that sort of thing." She went on to explain that leaving one's body is an ancient art, but that crystals are the hot cosmic commodity



of the moment, because they combine the spiritual, healing, and data-processing power of top shamans, the staff of Mount Sinai, and an I.B.M. computer. Crystals, in other words, are an ideal eighties icon, and rock shops, used to a clientele of pre-teen geology buffs, are currently being overrun by transmediums, psychics, healers, and reincarnated citizens of Atlantis. Reputedly, crystals can, among other things, improve the red-blood-cell count of their owners and broadcast thoughts that have been programmed into them by meditation.

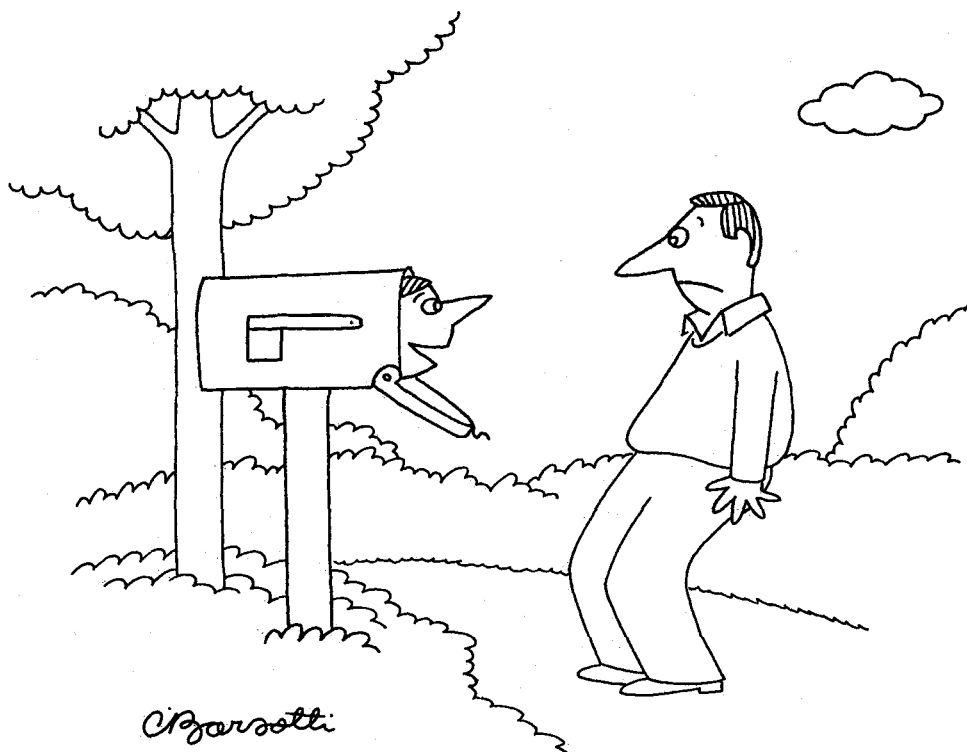
When we caught up with the rest of the enthusiasts, they were concentrating socially conscious ideas on their crystals and preparing to sprinkle them in the Hudson. "Come on, everybody!" yelled Andrew Nevai, who teaches about and sells crystals and was leading the group. "Let's start with some toning!" Mr. Nevai, a tall, broad-chested man with stiff, wavy hair, was wearing a flattened-pyramid pin on his belly, and a necklace with pendants of turquoise, azurite-malachite, tourmaline, and a bear claw, all of which clanked together when the boat swayed. The group gathered in a circle around the steering-compartment hatch, clasped hands, and began to make "om"-like sounds.

The rest of the passengers stared in surprise. "Don't worry," one sightseer said to her companion. "You've got to expect this sort of thing in New York."

"Actually, it's very hard being spiritual in New York," the young woman with the ponytail said. "You've got to cleanse your energy field much more often."

"Let's get started," Mr. Nevai said, "and get those thought-forms programmed into the crystals, so we can start seeding." In order to program a crystal, it turns out, you muster up a good mental image, poke the end of the crystal into your third eye, and let the image ooze into the stone. And if you want—this appears to be optional—you can give the crystal a kiss afterward.

Later, Mr. Nevai told us that he had set up a business a few months ago with a van and some portable spiritual materials and a plan to make crystal house calls—to become a sort of Avon Man of the crystal world—but interest in the stones had grown so large that the crystal crowd seemed to be beating a path to his door, at Ninety-first and Broadway. His apartment, as he de-



"I'm sure it was just an oversight, sir, but your subscription to 'Time' has lapsed."

scribed it, is now roughly three parts boxes of crystals to one part living quarters. Where someone else might have a couch, for instance, Mr. Nevai has a table stacked with shallow display trays labelled "Lepidolite matrix with Rubellite—Very CALMING" and "Phantom Crystals—Very Powerful" and "Herkimer Diamonds from NY—for Higher Concentration." For the boat ride, he had brought along bags of sparkly little spikes of glassy rock with sharp points on both ends. In the devotees' vernacular, which combines the woozy abstraction of Hippiespeak with the kind of language you find in digital-watch instruction manuals, these are "doubly-terminated solution quartz crystals." Mr. Nevai said, "They're great for astral work because of the double termination."

Mr. Nevai also explained that the group's plan that day was to surround Manhattan with a ring of stones radiating useful messages about clean water and air and general feelings of love, in preparation for the Harmonic Convergence, on August 16th. The Convergence, we learned, is a thirty-six-hour period, beginning at sunrise, when Mercury, Venus, Mars, and the new moon will all be aligned, and when certain Hopi, Aztec, and Mayan prophecies will come to pass. This align-

ment is expected to either destroy the world or give it a spiritual supercharge, so most people interested in the otherworldly are in a rush to get ready for it. In the days leading up to the sixteenth, there will be group meditations, walking mandalas, and fire ceremonies, and during the Convergence itself everyone who can manage it will gather at the usual sacred sites, like Stonehenge, Angkor Wat, the Babylonian Ziggurat at Ur, and Eighty-third Street at Central Park West.

Mr. Nevai will spend the Convergence on a glacial vortex in Iceland. "Not one of the major, major sacred sites," he explained to us, "but it's an energy center. No one is exactly sure what will happen during those thirty-six hours. There is talk of earth changes, and possibly of a spacecraft landing at the Great Pyramids, and of an appearance by beings on television. But all this is metaphysical gossip. I think the changes will be more subtle. The earth will be entering a new phase, and it'll be very exciting. It's going to be sort of a Bar Mitzvah for the earth."

By now, the boat was rounding Battery Park, and the group was getting excited, because, even though Mr. Nevai had suggested planting the

crystals at regular intervals, nearly everyone intended to throw at least one near the United Nations. A blond woman who said she was in broadcasting in this world and on an incredible journey in the other world leaned over the railing and said, "Shoot, I can't wait." She shut her eyes, planted a kiss on a piece of smoky quartz, and flung it overboard. "That was a very good one," she said softly.

"Crystals can magnify energy," a devotee who had told us her name was Ramona Maiolino was saying. "Remember the crystal palace in the movie 'Superman'? When I saw that, I felt it was very familiar. I must have lived in Atlantis in another life. I probably grew crystals for a living." She paused to puff on a peace pipe of sage and tobacco, which another woman in the group was passing around. "Nice sage," Ramona Maiolino told her.

"From Devils Tower," the woman said. "Remember it from 'Close Encounters of the Third Kind'?"

As the boat entered the Harlem River, and the Circle Line tour guide pointed out the high school that is Tiny Tim's alma mater, the group gathered around an arrangement of rocks which Mr. Nevai had set up on a few folding chairs: a six-inch-tall shaft of clear crystal with some other upright stones around it, balanced on a red satin cloth. Everyone added something of special personal meaning to the arrangement, in order to soak up the celestial juice: earrings, rings, favorite crystals, and one crisp dollar bill. "For prosperity," Mr. Nevai explained, pointing to the bill.

"Myself, I love being part of the New Age network," a young man named Damon Torres, who had put his Zúñi ring in the circle, told us. "I call the Harmonic Convergence phone network and find out what's happening. Crystals, fire ceremonies—everything. In my opinion, it's better than TV, and that's a lot for me to say."

Greek Village

IF you've ever wondered where you can buy one of those license-plate holders that say "YA' SOU! HAPPINESS IS BEING GREEK," wonder no more. Through August 23rd, they are available, along with miniature blue-and-white striped Greek flags, Greek worry beads, Greek romantic novels, Greek icons, and Greek gum and cigarettes, at the Corfou Center's booth at the Festival of Festivals at the

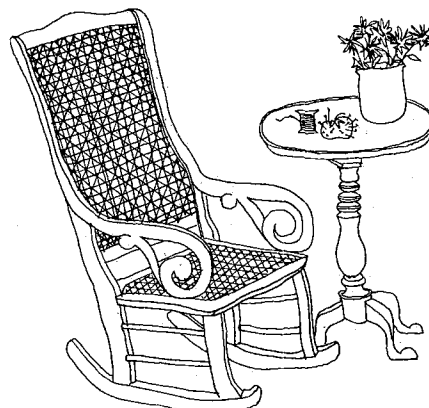
Greek Village in the Queens Botanical Garden. What's more, you can get there free, on a yellow school bus with spent shock absorbers that leaves from the Neptune Diner (Astoria Boulevard and Thirty-first Street) every hour on the hour, give or take a half hour.

We went up to the festival on the free bus early the other evening, when, according to a digital thermometer visible from the Van Wyck Expressway, it was 31 degrees Celsius (which is hot, or, as we learned to say, ζέστη). At the Botanical Garden, hand-lettered blue-on-white signs fastened to a chain-link fence led the way to the entrance: "BEER AND WINE GARDEN," "INTERNATIONAL ENTERTAINMENT NIGHTLY," "FESTIVAL OF FESTIVALS—SOMETHING UNFORGETTABLE—A SUPER EXTRAVAGANZA." Small signs on the grass inside the park said "KEEP OFF THE GRASS" in Greek and English. (Actually, we were told later, the Greek seemed to mean something closer to "Restrain yourself as far as the grass is concerned.") Tiny evergreens with their roots balled in burlap stood among painted wooden models of typical Greek things—"typical" the way the Greeks use the word, to refer not to something you brush off but to something you savor. There was a Byzantine church about the size of a doghouse, a plywood cutout of a sacred grove, and an unfinished white windmill. Ahead were what seemed to be all the blue-and-white striped tents in the metropolitan area, and some red-and-white, green-and-white, and yellow-and-white striped ones as well. Because of the heat, some of the exhibitors had their tents pinned up in back. Elena, Reader and Adviser, had brought an electric fan. We saw Despina Minos Cosmetics, Ragazzini Children's Shoes, and the Eurobasket '87 boys, who almost talked us into buying a poster (five dollars) of the

Greek National Basketball Team, which had just won the European Championship. We paused for a long time at a novelties booth trying to figure out why the inflated Mickey Mouses on sticks looked counterfeit, and marvelling at a crowded display of calculators, lighters, Walkmans, handheld video games, kitchen knives, and Oliver North buttons with a variety of facial expressions.

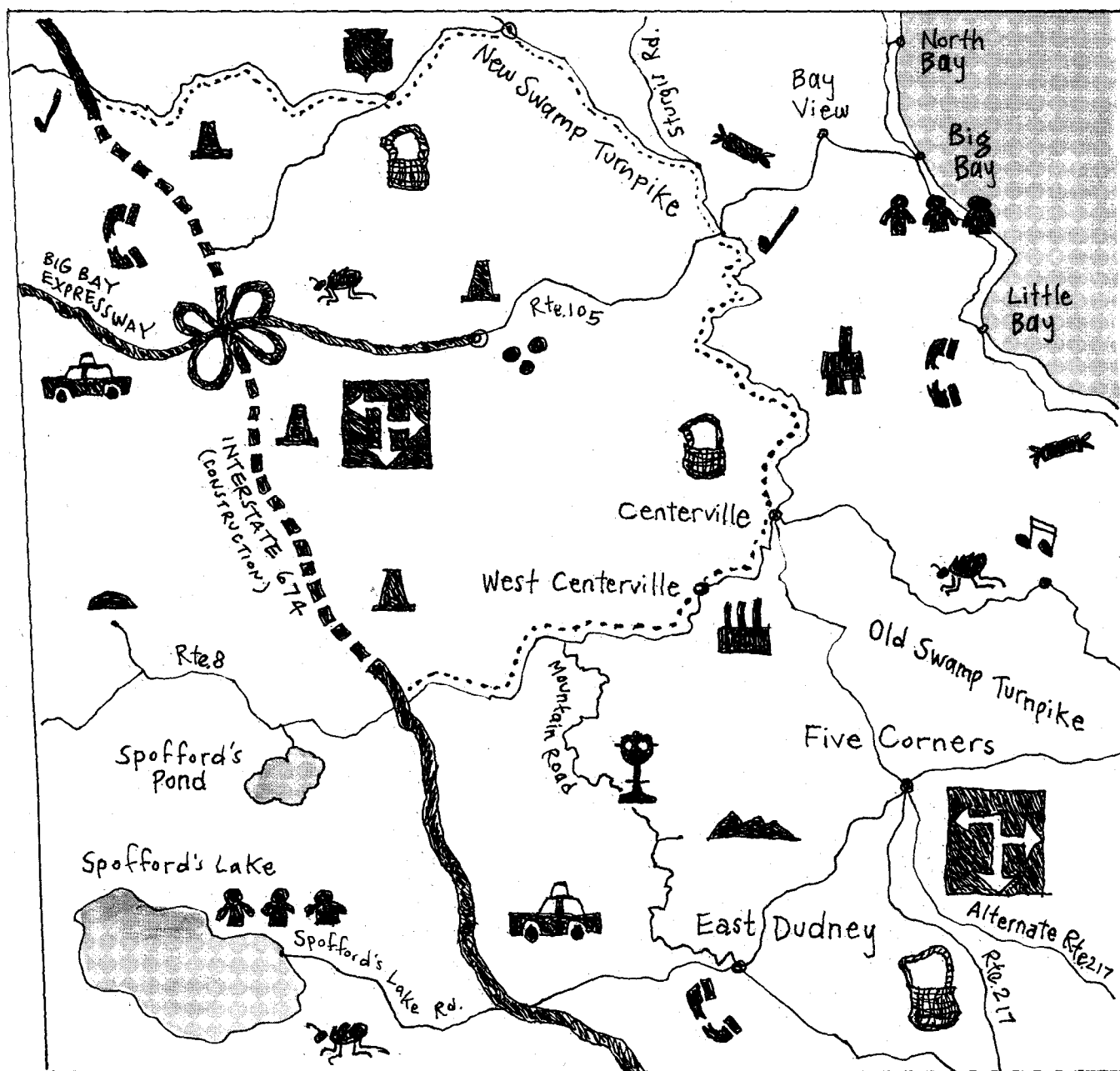
We were hungry, but the gods led us past the souvlaki and the hot dogs and the popcorn, past the beer and wine and Italian ices, past the girls selling Blue Hawaiis, Piña Coladas, and Strawberry Daiquiris in refillable souvenir hurricane glasses (five dollars), past the Greek salad and the spanakopita and the Cyprian Delights (those turned out to be not the apricots, cherries, peaches, and grapes at one end of the counter but the cold cuts in a deli case at the other), and past the loukoumades and the galaktobouriko and the baklava to the seafood by Paul Katsiitis, who runs a fish store in Queens. He fixed us a plate of fried calamari, and we settled down at a table that gave us a view of a huge freestanding seascape with the diner's Neptune in the middle. From a disco tent came what sounded like a Greek version of country-and-Western, with someone doing on a clarinet what Ricky Scaggs does on the fiddle.

While we ate, we watched a man and a woman set up a plywood cutout of Ronald Reagan in front of Neptune. For a second, we hoped this was a jolly way of pretending that the President had come to Queens to join in the festivities, but then, of course, we saw that the couple had Polaroid cameras and were going to sell photos with the Chief Executive. The first customers were two small women with short black hair—one in a red dress and the other in a yellow blouse and loose bluejeans, and both wearing red shoes. Reagan was moved over in front of his own little backdrop of sky and cherry blossoms, so he wouldn't have to compete with Neptune, and the women posed with him not once but twice. Later, as they were examining their snapshot, we asked how much it cost to have your picture taken with the President. "Five dollars," said the woman in red (everything at this festival seemed to cost five dollars), and the one in yellow said, "The first one they took, we came out fine, but Reagan didn't look too good. This one, Reagan is fine. But look at us."



Barkman Fine

GETAWAY WEEKEND



LUTE & ZITHER
FESTIVAL



INTERMINABLE
DELAYS



BIRTHPLACE OF
VICE-PRESIDENTIAL
CANDIDATE (1838)



HISTORIC SITE
(FORMER COUNTY
SEAT 1809-13)



MOTEL



SUGGESTED DETOUR
TO AVOID CONSTRUCTION
(NO PASSING)



DEVIL'S LUMP
STATE PARK



BROKEN PAY
PHONE



CONFUSING SIGNS



SALTWATER
TAFFY



OVERCROWDED
BEACH



MINIATURE GOLF



TOXIC-WASTE
OVERLOOK



OCARINA
FACTORY OUTLET



SPEED TRAP



SOUVENIR SHOP
OF LOCAL CRAFTS



VISTA MOUNTAIN
(VIEW OF 2 COUNTIES)



CRANBERRY-BOG
THEME PARK

—JAMES STEVENSON

COOKER

I TELL Lily I'm tired of complaining about things, about my job, about the people I work with, about the way things are at home with her, about the kids and the way the kids don't seem to be coming along, about the country, the things the politicians say on television, on "Nightline" and on "Crossfire" and the other news programs, tired of complaining about everybody lying all the time, or skirting the truth, staying just close enough to get by, tired of having people at the office selectively remember things, or twist things ever so slightly in argument so that they appear to be reasonable, sensible, and thoughtful, tired of making excuses for my subordinates and supervisors alike, tired of rolling and tumbling and being in a more or less constant state of harangue about one thing and another.

Lily, who is sitting on the railing of our deck petting the stray cat that has taken up with us, nods as I talk, and when I stop to think of the next thing I'm tired of complaining about, says to me, "I'm tired, too, Roger."

Our children—Christine, who is eight, and Charles, who is eleven—are in the yard arguing about the hose. Charles has the nozzle tweaked up to maximum thrust, and he's spattering water all around Christine, making her dance to get out of the way.

"Charles," I say, waving at him to tell him to get the hose away from Christine. "Quit screwing around, O.K.?"

"Ah, Dad. I'm not hurting her. I'm just playing with her. We're just playing."

"We are not," Christine says. "I'm not, anyway. I don't want to play this way." She twists herself into a collection of crossed limbs, a posture that says "pout" in a big way.

"Why don't you water those bushes over there?" Lily says, indicating the bushes that line our back fence. "They look as if they could use the water."

I say, "The thing is, I hate all these people. There's almost nobody I don't hate. Sometimes I see something on TV and I just go into a rage, you know?"

"What things?" she says. "See what things?"

"Somebody says a self-serving thing, I don't know, some guy'll say something about preserving the best interests of something or other, doing the best job he can and all that, upholding standards, and you can look at this guy and tell that what he's thinking is how can he make this sound good, how can he sell this thing he's saying, whatever it is."

"You're talking about the preachers, right?"

"They're all preachers now. They're all holier-than-thou, self-righteous killers. I mean, everybody's a flack these days, they'll say anything just as long as they can keep on making their killings. I see this all the time at work. A guy'll come in and make a big argument for his own promotion, and when he's done I don't even recognize the world he's talking about. Remember that interne we had last fall, kid from Colorado? Then we hired him, right? You know why? Because he made friends with Lumming and what's-his-name, the other guy in production."

"Mossy—isn't that it? Mosely?"

"Something. But when the personnel committee met to talk about this job, Lumming and Mossy didn't say a word about being friendly with this kid. They said he was the greatest thing since sliced bread. It was a clear and simple lie. No question."

"You're complaining about the office," Lily says. "I thought the point of this talk was that you wanted to stop complaining."

"I do, but this stuff is driving me nuts. I don't want to be in a world where this stuff goes on."

"Go to Heaven," Lily says.

"Thanks. That's real interestingly cynical."

"Why not do a little discipline? Ease up." She spins herself off the railing and thumps as her feet hit the deck. "Besides, what would you do if you didn't complain? You wouldn't have anything to talk about."

"You're a charmer," I say. "You're a swell guy. An ace wife and companion."

"Mother of your children," she says, rolling the Weber into place.

"You cooking out here tonight?"

"You are," she says. "Therapy."

I don't mind that. In fact, I'm pleased that she's found something for me to do, something to occupy me, take my mind off the office and the things people are doing wrong. I used to be a lot more easygoing than I am now, and Lily, of course, recognizes that. Watching her mess with the grill, I wonder if she doesn't miss that more than anything else. "What am I cooking?" I ask. I should know the answer to this. I helped bring the groceries in from the car, helped her put them away. I have no idea what groceries they were.

"Lamb chops," she says.

This makes me feel better. Lamb



"I didn't mean to criticize him."

chops, and suddenly the world is new, a place of mystery and possibility. Lily and my mother are the only two women on the planet who believe a lamb chop is a reasonable and appropriate thing to cook for dinner. That she wants them barbecued means I get to look up the recipe in the twenty-four-page no-nonsense Weber Kettle cookbook. I say, "We've got lamb chops?"

"Yep." She's redistributing the coals in the Weber, evening them. She squats beside the cooker and wiggles the bottom vent back and forth to release the ashes into the ash catcher, then dumps the ashes over the side of the deck. "I am serving corn and the lima beans, if you're interested."

"I love the lima beans," I say. "So get cracking."

I go into the storage closet that opens onto the deck. I'm getting the barbecue tools. As I come out of there, I think: I have no desire to touch Lily. I don't know why, but that's what I think. She's not unattractive—in fact, she's quite lovely—but I don't want to touch her. It's not a desperate thing; I'm not thinking how awful it would be. But at the same time it's a clear thing. There isn't any question. She probably doesn't want to touch me, either. I wouldn't blame her. It's been a while since I've been in any kind of shape; I don't even like to touch me. I try to remember the last time we touched—apart from the usual, casual touches that happen without thinking. It's been weeks, maybe months. Not twelve months, but two, maybe.

I arrange my tools—barbecue tweezers and fork, hickory chips, Gulf lighter fluid—on the redwood table, and I think what brought this stuff about Lily to mind was a TV show I watched last night on CNN: a Los Angeles sex therapist answers all your questions after midnight. What struck me was the assumptions this woman made. She managed, without literally specifying, to predicate everything she said on a version of the ideal relationship which was a joke to me: one man and one woman having happy sex together forever. This was the implicit ideal. Now, we all know that's just plain wrong. It'll never happen. And yet here was this woman taking callers' questions, answering with the kind of dull-witted assurance and authority that characterizes these people: Here are the solutions, follow these three easy steps, put your little



"Well, Professor, I think we've finally tracked the Snowball Phantom to his lair."

foot. I got angry watching this program. Somebody called in from Fairfax, Virginia, said sex wasn't interesting, and asked why this woman didn't get real.

I watched for an hour. This woman wore a lot of eye makeup. Not as much as Cleopatra, but plenty, more than enough. She was good-looking—a dark-skin, dark-hair type, with a handful of freckles—but there was something of the born-again about her, that kind of earnest matter-of-factness that makes you want to run the other way. Almost everybody's born-again these days; if you're not born-again you're out to lunch, yours is a minority view, you lose. Anyway, this woman had an easy rapport with the announcer, who was a newsman, and they traded asides, little jokes between

callers' questions—he apologized a lot about his hopeless manhood.

I DON'T make too much of a mess with the cooking, though I'm pretty angry when I bring the chops in and drip lamb juice on the carpet in the living room. But before I have time to get worse, Lily's got the plate of chops out of my hands and is telling me to remember three weeks ago, when I threw barbecue at the kitchen window.

"That was pork," I say. "And I don't know why you feel you have to remind me about it all the time anyway. I cleaned it up, didn't I?"

"Yes, Roger." She's circling the table, dropping lamb chops on the plates. "It took you two hours, too."

"But it was real cool, Dad,"

Charles says, making a throwing move. "Splat!"

I say, "No, my little porcupine, it wasn't."

"I agree," Christine says. "It was childish." She's repeating what she heard her mother say immediately after I tossed the pork chops.

"How old is she?" I ask Lily. I kiss the top of Christine's head and then take my chair. "If you're real good," I say to Christine, "we can get a dog later, O.K.?" She knows, I think, that this is a joke.

"I think maybe you're trying too hard again, Dad," Charles says. He's taken to adding "Dad" to every sentence. It's annoying.

"Yeah, Dad," Lily says. "Take it easy, would you?" She pinches Charles' ear and turns him to face his dinner.

Charles squirms, trying to get away from her. "Jesus, Mom," he says.

"None of that, kid," I say. I wave my fork at him for emphasis, point it at him, wiggle it.

"Who wants a stupid dog, any-

way?" Christine says. She's using an overhand grip on her spoon, shoving the food on her plate around to make sure that nothing touches anything else. She's always eaten this way, ever since she was four. She'll eat all of one vegetable, then all of the next, and so on. I've tried to stop it, but Lily says it's O.K., so I haven't made much progress. She says Christine will grow out of it. I say I know that, but what will she grow into? Lily says I'm a hard-liner.

"You want a dog," I say to Christine. "What are you talking about? All you've said for the last three weeks is how much you want a dog."

"That was before," she says.

"Before what?" Charles says. He turns to me as if we are co-conspirators. "She wants one, Dad. I know she does. She's lying."

"Don't call your sister a liar," Lily says. "Roger, tell him."

"Your mother's right, Charles. Don't call Christy a liar, O.K.? Not nice." I'm just about finished with my first lamb chop. The mint-flavored ap-

ple jelly is glistening on my plate. I feel pretty good.

"It's true," Charles says. "What do you want me to do? Do you want me to lie, too?"

Christine is playing with her food, twirling her chop in the clear space she's left for it on her plate. "I wanted a dog," she says, "but now I don't. Can't anybody understand that?"

"I can't," Charles says.

"Eat your dinner, Charles," Lily says. "You can understand *that*, can't you?"

I know I shouldn't tease the kids the way I do—like telling them we can get a dog. It's a standing joke in our house. They know we're not getting a dog. And they know why: Daddy's bad about dogs, about pets in general. Daddy looks at a dog and what he sees is a travel club for ticks and fleas. Try explaining that to a kid. Lily and I used to have big fights about it, but I won. I outlasted her. I'm not proud of it, but it's O.K. I don't mind winning one every now and then. She still thinks I'll come around after a while, but she's wrong about that. I've told the kids they can have fish, but they don't want fish.

So there's a history going on about this dog stuff, in the family, and I tease them about it all the time; it might sound cruel, but it seems to me they ought to understand. You can't always get what you want and all that. It's important that they know what's going on, that once they know no dog's forthcoming, then the dog is fair game. Lily says I'm crazy on this one, that kids don't work the way we do. She says I'm building a horrible distrust. She says it's not smart, that when I'm old and pathetic they'll trick me—tell me they're coming to see me and then not show, or take me out for a drive and slam me into a home or something.

"O.K.," I say. "I'm sorry I brought up the dog. The dog remark was a bad idea. No dog. Christine?"

"What?" She's petulant. "I know," she says.

"I shouldn't have said a thing about the dog, O.K.? I don't know why I did. I'm upset."

"Daddy's upset about the office, sweetheart," Lily says.



"No sweat, Chief. I'm taking a personal day."

"I'm sorry," Christine says.

"He shouldn't take it out on us," Charles says. He turns to me, gives me a real adult look. "You shouldn't, Dad."

I don't think I like the way Charles is turning out. For a time, his early moves toward adulthood, the grave looks and the knowing nods, were charming, even touching. After all, he's a boy, a kid, and it's nice to see him practicing. But it gets old.

"I know that, Charles," I say. "Thank you."

"Well," he says, "I'm just trying to help."

Lily pats his arm. I don't know why mothers always pat their children's arms. It's disgusting. "Yes, Charles," she says. "But Daddy's tired. Let's just be quiet and eat, what do you say? Daddy's had a hard day."

"Another one?"

"That's enough, Charles," she says.

And it is enough. After that, we eat in silence. I watch Christine, who eats her corn first, kernel by kernel, then the beans. She doesn't even touch her lamb chop. When I finish eating, I take my plate to the kitchen, scrape the used food into the brown paper bag we keep under the sink—only now it's out on the kitchen floor in front of the cabinet—and put my plate under the faucet. I turn on the water for a few seconds to rinse, then go back through the dining area, stop behind Lily for a minute, and cross the room toward the back door. "I'm going to straighten up out here," I say. "I may water for a while."

"You're going to water?" Charles says.

"Finish eating," Lily says. "I think your father might want some individual time."



"I would certainly not like to take a minute to help shape the Bush agenda for '88 and beyond!"

"What's individual time?" Christine says.

"Don't be dumb," Charles says to her.

WHAT I'm thinking about, out there on the deck, is that I'm not living the way I ought to be living, not the way I thought I would be. It's all obvious stuff—women, mostly. I'm not Mr. Imagination on the deal. A woman stands for a connection and another way of living, something like that. So I'm thinking about the woman on "West 57th," the TV

show, and the dewy young girls in the movies—though you don't see them as much as you used to—and thinking of the poor approximations that throng the malls. I'm not thinking anything about these women, I'm only thinking of them.

I put the charcoal lighter back in the storage closet, finger the hickory chips, think for a minute about sitting down in there. This closet is about six feet square, lined with empty cardboard boxes that our electronics came in; we've kept computer boxes, stereo boxes, TV and VCR boxes, speaker

boxes, tape-recorder boxes. Then I decide to do it, to sit down just the way I want to, and I go back to the deck and get one of the white wire chairs and put it in the storage room and sit down, my feet up on the second shelf of the bookcase that I bought from Storehouse so the junk we keep in the storage closet will be more orderly: charcoal, lighter, and chips on the bottom shelf, plant foods and insecticides on the second, plant tools on the third, also on the third electric tools (saw, drill, sander), and accessories on the top. It isn't too bad in there. From where I sit I can see out across the deck to the small lump of forest that borders one side of our lot. She always puts plants out there in the summer, and I look at those—pencil cactus, other euphorbias.

Lily comes out and walks right past the door of the storage closet out to the edge of the deck, looking around for me. "Roger?" she calls. "Roger, where are you?"

"Back here."

She turns and looks at me in the closet. "What are you doing in there, Roger?"

I say, "Thinking about my sins," which is a thing my mother always used to say when I was a kid, that she was thinking about her sins. She didn't have any sins to think about, of course, which is why it was a funny thing to say.

"Why don't you come out of there? Sit out here with me, O.K.?"

I say, "Fine," and pick up my chair and carry it back out to the spot on the deck where I got it.

She closes the storage door behind me. "Now," she says, sitting down on the deck railing. "You've got this nice family, these two kids and everything, this good job, and things are going great, right?"

"Things are O.K."

"Right. And you're complaining all the time about everything."

"Right."

"And you don't want to complain."

"Right."

"So you're like Peter Finch," she says. "In that movie, whatever it was. The one where he went out the window and said he was mad as hell, remember?"

"Sure," I say. "What's the point?"

"Where'd it get him?" Lily says. "He's dead as a doornail. I mean, that's not *why* he's dead, but he is dead. I think there's a lesson in that."

GINESTRA

(TO COUNT GIACOMO LEOPARDI)

From a distance of reading
a small volume of yours, your broom,
the desert flower, remained as dry
and flat as its English name suggests.
And your Vesuvius the sterminator more remote,
as if the green mountain were seen
from a train rushing by in high brutal summer.

Dear Count, the hot, dry, wide streets
of Pompeii offered me no *ginestra*,
no nature impervious to our lives, to all
our accumulated, inherited destructions.

No, not there but in Umbria I fully discovered
your flower wildly perfumed, widely
rooted, growing, covering the hills
with so much yellow
ginestra, *ginestra*, over all, random, profuse.

It was the strength of an affection
I'd always had and never known.
This fact. Your poem. Over and over
your words that I hardly believed.
Let me tell you: I was on the back
of a Vespa near Gubbio,
and *ginestra* entered my senses
through nose and eyes. A love
I never understood for the friend
driving that Vespa
came back, the way vegetation
will, after calamities,
both slowly and suddenly return.
We may willingly destroy.
We may casually destroy.
We may find nature doing our destruction
for us, but my romantic heart
had escaped to recognize *ginestra*
for what it is, the sweet breath of our lives,
ginestra, powerful presence
of small persistence.

—JUDITH BAUMEL

I nod and say, "That lesson would be . . ."

"Take it easy, Greasy," Lily says.

"But everything's wrong now. People'll say anything. Everybody's transparent and nobody minds—like you, for example. Here, now. What you want is for me not to be upset. That's all. You don't care what I'm upset

about, you just want me over it."

"Well?"

"In a better world we'd deal with the disease, not the symptom."

"In a better world we wouldn't have the disease," she says.

"Good point."

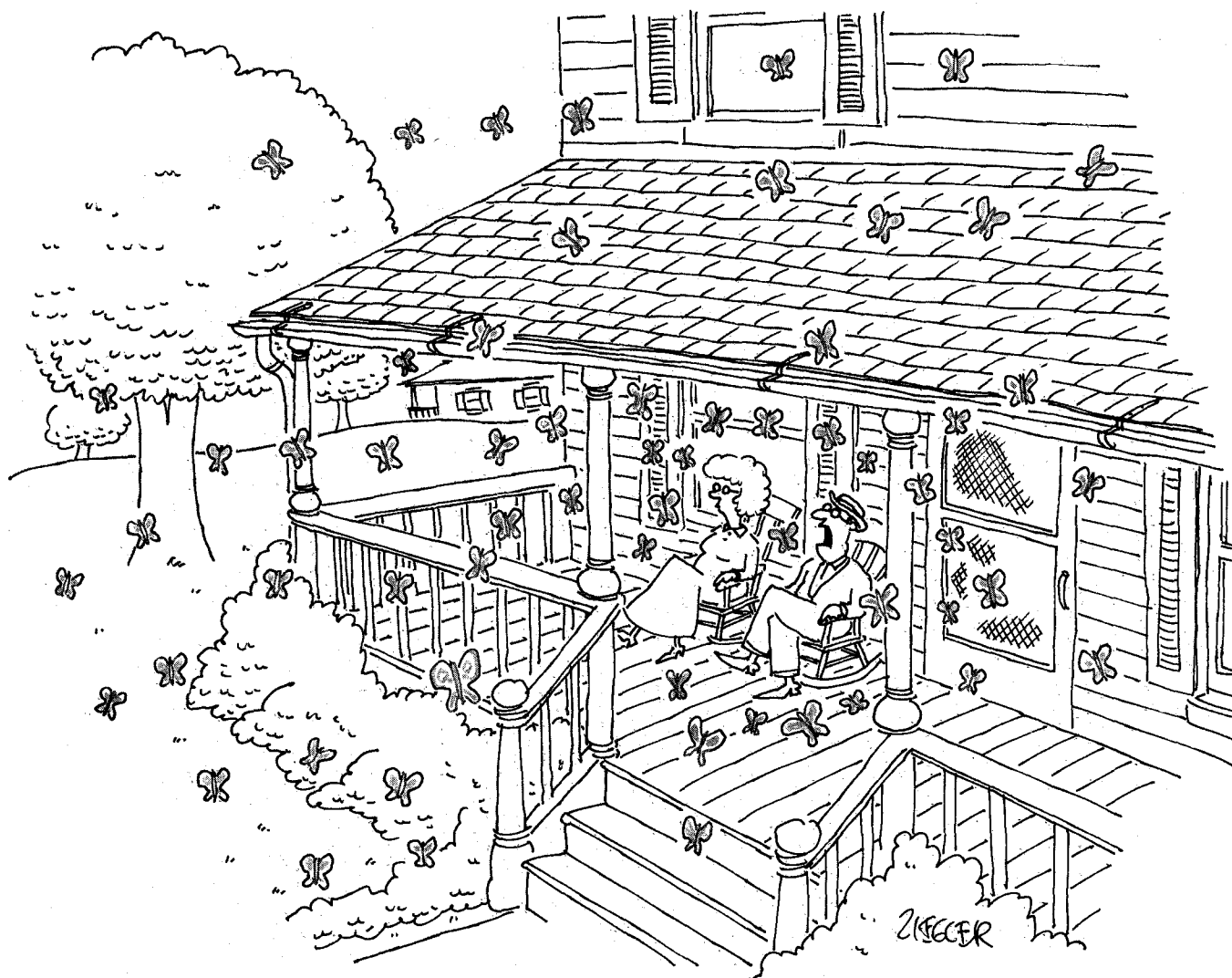
"Thank you."

Charles comes out of the house carrying a sleeping bag, a yellow ice chest, some magazines, and the spread off his bed. "I'm camping out tonight, O.K.?" he says as he passes us.

I start to say no, but then Lily catches my eye and gives her head a little sideways shake. This means that she has already signed off on things.

"Watch out for spiders," I say.





"The butterflies are merciless today!"

"There aren't any spiders," Lily says, shaking her head. She smiles at Charles and holds out her arm to him, and he comes over for a kiss, trailing his equipment.

I nod. "That's right. No spiders. I just said that."

"Your daddy's having a hard time," Lily says.

Charles is hanging around in an annoying way, lingering. It's as if he doesn't really want to camp out in the back yard after all.

"I don't care about them anyway," he says. "I play with spiders at school." He waits a second, then says, "Dad, I'm making a tent. Is it O.K. if I use the boards behind the garage?"

I say sure.

IT'S dark, and we've got a pretty good tent in the yard. I'm in there with Charles. He's reading a car mag-

azine and listening to a Bon Jovi tape on the portable we got him for his last birthday. I've already asked him to turn it down twice, and the second time he went inside for his earphones. It must be midnight. I'm lying on my back under the tent, my feet sticking out the back end of it, my head on one of the three pillows he brought out. The floor of our place here is cardboard, but we've got a rug over that, a four-by-seven thing that Lily and I got at Pier 1 about fifteen years ago. I got it out of the garage, where it's been a couple of years.

The bugs aren't too bad. Both of us rubbed down with Off, so there's this thin, slightly turpentine smell in the air.

I get along well enough with Charles. We're not like some "Father Knows Best" thing, but we do all right. He has his world and I have

mine. Looking at him there in the tent, his head hopping with music, his eyes on the magazine, I have an idea what he's about, what it's like for him. I mean, he sees the stuff I see on TV and he believes it, or maybe he believes nothing, or maybe he recognizes that none of it makes any difference to him anyway. I guess that's it. And if that's it, he's right. Let 'em lie. We've got the yard, the bedspread tent, there are crickets around here, and pretty soon a cat will stick its head in the opening at the front of the tent, look us over, maybe even come in and curl up. What goes on out there is entertainment; I'm not saying it won't touch him, but the scale is so big that really it won't. We'll do another Grenada—what a pathetic, disgusting, hollow, ignorant joke that was—but he'll be in school, or doing desk work for some Army rocker, or waiting for his sec-



ond child. He's just like me, he's out of it. He can get in if he wants to—he can be a TV guy, a reporter, a senator, a staff person. It's America. He can be anything, do anything. I'm stumped.

"What're you doing, Dad?" Charles says.

I keep looking at the top of the tent. "Thinking about you."

"Oh." He waits a minute, then he says, "Well? Is it a mystery or what?"

"It's no mystery," I say, rolling over on my side so I can look at him. He's got the earphones down around his neck. "What're you reading?"

"Bigfoot." He flashes the magazine at me. It's called *Bigfoot*. "The truck, you know?"

"Monster truck," I say.

"Right. It's a whole magazine about Bigfoot—how they got started, what happened, you know. . . ."

"You interested in trucks?" I say. What I'm thinking is, I don't like the way this sounds, this conversation. It sounds like conversations on television, fathers and sons in tortured moments. "Never mind," I say.

"Not really," he says, answering me anyway.

"I don't know why I'm out here,

Charles," I say. "Am I bothering you?"

"Not really. I mean, it's strange, but it's not too bad."

"I'm just a little off track today, know what I mean? I think I'm down on my fellow-man—talking weenies everywhere, talking cheaters and liars. I mean, normally it doesn't bother me, I just play through. You do what you can. Pick up the junk and paste it back together whatever way you can."

"Dad? Are you drunk?"

"Nope," I say. "I haven't been drunk for ten years, Charles. There's nothing to drink about." I sit up, crossing my legs, facing him. "I never wanted to have a son—any child, for that matter. You and Christine are Lily's doing, what she wanted. I didn't mind, you see. It's not like I hate kids or anything, it's just that having kids wasn't the great driver for me. You're a problem, you know? Kids are. I don't want to treat you like a pet, but you're small—and, of necessity, kind of dumb. I don't mean dumb, but there's stuff you don't know, see what I mean?"

"Sure," he says.

"It's not stuff I can tell you."

"Dad," he says, "are you sure you're O.K.? You want me to get Mom?" He's up, bent over, already on his way out.

"Well . . . sure. Get Mom."

I lie down again when he's gone. I feel fine, I feel O.K. In a minute Lily's crawling into the tent. "Roger?" she says. "What's going on? Do you feel all right?"

"I'm functional."

Charles comes in long enough to get his magazine and his tape recorder. "I think I'll stay inside tonight," he says.

"I talked to him," I say to Lily.

"Uh-huh." She's got an arm across my chest and she's patting me.

"So long, Sport," I say to Charles as he backs out of the tent.

"Night, Dad," he says.

I'm left there in the tent with my wife. I say, "I'm acting up, I guess."

"A little."

"But that's acceptable, right? Now and then?"

"It's fine," she says.

"It's by way of a complaint, huh? So we're back where we started from."

"Yep."

"It's not a vague complaint in my head," I say. "It's just that it covers everything. There are too many things to list. You start listing things that are wrong and you either make them smaller and sort of less wrong, or you go on forever. You got forever?"

"Sure." She waits a few seconds after she says that; I can feel her waiting. Then she says, "But I've got to go to the mall sometime."

"All right."

She gets up on her knees and twists around so she can lie down on her back alongside me. She takes my right hand in her left. "See there? You're not completely gone. You're O.K. We've just got to take it one thing at a time. We've got to go binary on this one."

—FREDERICK BARTHELME

ANTICLIMAX DEPARTMENT

[From the Miami News]

James and Gretchen Ford recently won \$730,000 in the Michigan lottery. The Belleville couple used an unusual system to pick the winning numbers. They cut up 40 pieces of paper with numbers on them, scattered them on the floor and had their cat, Steve, walk on them. The first ones Steve touched—1, 20, 26, 30, 35, 37—were the numbers they played. The Fords used this system for a few years before they finally hit the jackpot. Sad to say, Steve died before the Fords struck it rich.

ANNALS OF LAW

THE TENTH JUSTICE—I

NO feature of the Reagan Presidency has been more audacious than the breadth of its challenge to the rule of law. At its most dramatic, this has taken the form of unlawful acts rationalized by patriotism: many students of the Iran-Contra affair believe that Ronald Reagan's aides violated the law to carry out a clandestine foreign policy. When Secretary of State George Shultz was asked by Congress about these operations, even he testified, "Some things took place that were illegal." Once the President disclosed his knowledge and approval of some of the secret dealings, it became impossible not to ponder the degree of his complicity as well. The assertion of former national-security adviser John Poindexter that he alone approved the diversion of funds to the Contras from sales of arms to Iran did not close the subject. What House Select Committee Chairman Lee Hamilton, Democrat of Indiana, told Lieutenant Colonel Oliver North at the end of his testimony

—"I do not see how your attitude can be reconciled with the Constitution of the United States"—might also have been directed at the President. According to opinion polls, a majority of the American people think Ronald Reagan has yet to tell the truth about his part in the endeavor, and, to judge by Secretary of State Shultz's account, they are correct. Some who believe that the President has told the truth are still appalled that his loose style of leadership and lack of knowledge about major covert activities allowed a small group of people in the White House, with no accountability to anyone but themselves, to direct a central initiative of the government.

The scale of the Iran-Contra dealings may distinguish them, but otherwise the Administration's conduct in the affair was not an aberration. In many other areas of govern-

ment—the protection of civil rights and the protection of the environment come quickly to mind—Reagan officials have practiced a kind of lawlessness: they have chosen not to enforce federal statutes when the statutes conflicted with policies that, according to the officials, were supported by the President's electoral mandate. These and other dealings of the Reagan Administration can easily be described in legal terms. The Constitution calls for a republican government in which the Congress makes the laws and the executive branch enforces them. In grave, astonishing, and recurring actions, in both domestic and foreign affairs, the Administration has failed to enforce and obey the laws. It has repeatedly misinterpreted, circumvented, and defied the will of Congress.

To some observers, the Reagan lawlessness is no different from what occurred in Watergate a decade and a half ago, when Richard Nixon and his aides tried to stand above the law,

breaking federal and state statutes and resurrecting "executive privilege" as a shield against subsequent investigations. Both Administrations have violated laws in ways that amount to an assault on the legal system. But in Watergate many people took special comfort from the actions of the judiciary, including each level of the federal courts, up to and including the Supreme Court. In retrospect, the immobilizing anxiety about the confrontation between the President and the judiciary in the Watergate-tapes case and the extraordinary relief that greeted the Supreme Court's order that Nixon turn over the tapes, to say nothing of his decision to comply with it, which led swiftly to his resignation, seem to prove the wisdom of the venerated appeals-court judge Learned Hand, who had said about the need for judicial review, "Without some arbiter whose decision should be final the whole system would have collapsed." It is here that the comparison between the Nixon and Reagan assaults on the

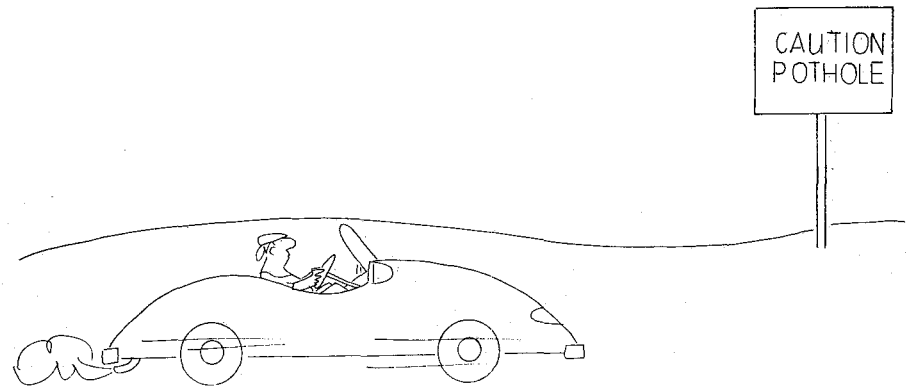


"No kidding, you're at Met Life? I'm practically next door, at Irving Trust."

law falters, and the true gravity of Reagan's is felt. The Reagan challenge to the rule of law is grounded in the contention that judicial review itself, the tenet of government built upon by almost two centuries of American law, is wrong. In the Reagan view—though Reagan's lawyers might deny it—Nixon prevails in Watergate.

In 1803, in *Marbury v. Madison*, Chief Justice John Marshall wrote, "It is emphatically the province and duty of the judicial department to say what the law is." The Constitution makes no mention of the Supreme Court's authority to rule on the lawfulness of acts of Congress and of the President, but legal scholars have long agreed that for there to be an effective separation of powers between the branches of government the Court must have that authority, and thus that the authority is ultimately derived from the Constitution. The threat to this principle has been implicit in many acts of the Reagan Administration, and goes far deeper than the particular instances of lawbreaking seen in the Iran-Contra affair. It has been made explicit by the dominant legal figure in the Administration, Attorney General Edwin Meese.

After Meese left his White House post as Counsellor to the President to become Attorney General, in 1985, he began a highly publicized series of speeches about the proper role of the judiciary, which culminated in an express challenge to judicial review. Meese revived what he claimed was a proved theory for limiting the role of federal judges in the performance of this function. In his early speeches he said that some of the more vexing problems in American life during the past generation—the dislocations caused by school busing, the confrontations caused by affirmative action—were the result of decisions made by judges overstepping their bounds, and making policy instead of interpreting law. The Attorney General proposed that courts correct these errors by using what he termed a "jurisprudence of original intention." The way to insure that Supreme Court Justices and other federal judges did not make policy was to have them "resurrect the original meaning of constitutional provisions and statutes as the only reliable guide for judgment," he said. He also put it this way: "To make certain the ideal of the rule of law is given practical effect, the law must be fixed and known." By Meese's lights, the widely shared view of the Constitution



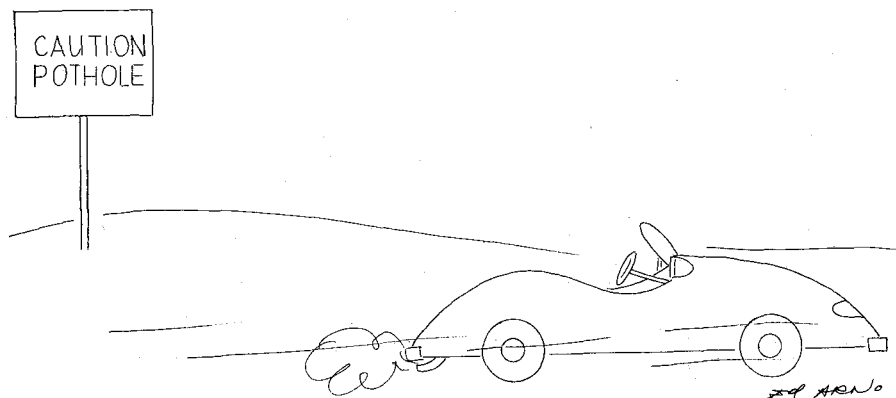
as a living testament that takes "meaning from the circumstances of each age" was mere "chronological snobbery."

Although these remarks were general enough to be construed in different ways, and although they appealed to some students of the Constitution who believe that in the past generation the Supreme Court has not been sufficiently mindful of the limits inherent in that document, what Meese said went far outside the bounds of mainstream thinking. Over the years, liberal and conservative scholars have agreed that the framers of the Constitution deliberately chose ambiguous language as a form of compromise on many important questions. "No Constitution is the same on Paper and in Life," wrote Gouverneur Morris, who was one of the authors of the text, and who, along with other framers, began to debate the meaning of the document almost as soon as it was adopted. Liberal and conservative Justices have declared that the words of the Constitution are capable of well-tempered growth, and that the Supreme Court must continually reinterpret the text, with its ambiguities, compromises, and internal tensions, in the light of new conditions. The most consistently honored declaration about the law as a living charter—John Marshall's warning that "we must never forget that it is a *constitution* we are expounding"—has been taken as a given since at least 1819. Meese interpreted Marshall to mean the opposite, and said the notion of a living charter "suffers the defect of pouring new meaning into old words, thus creating new powers and new rights totally at odds with the logic of our Constitution and its commitment to the rule of law."

Meese's "jurisprudence of original intention" was dismissed by many in the legal community, including Supreme Court Justices representing the

philosophical left, center, and right of the bench. Justice Byron White, who has endorsed some of the Administration's most controversial positions, called the notion "simplistic." But by the time commentary on the "jurisprudence" appeared Meese had changed the focus of his statements, and was concentrating on how the Constitution had structured the American government and how the government had recently strayed in its workings from that model. "Some of the chief problems of government today stem from the fact that how the federal government works in practice doesn't always resemble how it is supposed to work according to the Constitution," he said. The judiciary had departed from its role as the interpreter, not the maker or the enforcer, of laws, and the two other branches had allowed it to expand its power. Meese lectured about the dangers of equating judges and lawgivers, and of submitting to government by judiciary. Pressing his argument further, he eventually announced that "each of the three coordinate branches of government created and empowered by the Constitution—the executive and legislative no less than the judicial—has a duty to interpret the Constitution in the performance of its official functions." He seemed to use the word "interpret" in a very active sense. To the amazement of many, Meese declared that the Supreme Court's interpretations of the Constitution do "not establish a 'supreme Law of the Land.'"

While the framers were deeply concerned about the government's structure, they did not directly address the question of which branch would have ultimate responsibility for interpreting the Constitution, and they certainly did not resolve it as Meese claimed. They praised the wisdom of judges, and seemed to take for granted that judges would play this role. By voting down a proposal for a body called the



Council of Revision, which would have given the President a role in judging the constitutionality of federal statutes, the framers rejected the idea that Meese was proposing. But the Attorney General was not deterred by history. He invented a new axiom of constitutional law: if the Supreme Court hands down a decision with which the executive disagrees, then officials in the executive should simply treat their own views as authority for the true meaning of the law.

The same executive authority applies to acts of Congress with which the executive disagrees, Meese maintains. The Administration's recent assertion of a sweeping power of the President to disregard statutory law in the Iran-Contra affair was so extreme that it momentarily dispelled all caution in public commentary, and turned talk to whether Ronald Reagan had committed an impeachable offense by failing to keep his aides from violating the law or by violating it himself, and to why the country had again become entangled in a constitutional crisis.

But this claim of Presidential authority is only the latest mutation in the novel Reagan view of the Constitution. Unlike the Nixon Administration, which held that it was above the law, the Reagan Administration has in essence regularly proposed that it is the law. This innovation has drawn intense criticism, which the Attorney General and others in the Administration have met by claiming that their views are misunderstood—that, far from threatening the equilibrium of government, as they seem to do, their proposals are meant to correct an imbalance between the branches. Attempting, perhaps, to pull the Administration back into the mainstream, Chief Justice William Rehnquist, the Supreme Court's most pronounced conservative and a staunch supporter of many positions advocated by the

Administration, recently told a convention of the American Bar Association that the Supreme Court is "the final arbiter of questions of constitutional law," but his statement was as general as the one by the Attorney General that it seemed meant to refute. Although the Iran-Contra affair may force the issue, the absence thus far of any major test requiring the government to take or abandon Meese's declared view of executive authority in a real dispute leaves the boundaries of the Reagan notion undefined in an essential way.

Meese and his allies also meet criticism of the Reagan legal outlook by saying that their critics are liberals who are motivated by ideology. The Administration's outspoken adversaries undoubtedly include more liberals than conservatives, but some of its most sustained critics have been traditional conservatives who see distinctions between their beliefs and those of the Reagan team. They recognize that the Reagan agenda lacks coherence except for that provided by the Administration's pursuit of aims in domestic policy (and now foreign policy as well) that defines a particular right-wing ideology, not any philosophy. A telling circumstance is that, like the President and other senior members of the Administration, the Attorney General has usually presented his legal views in speeches about some item on the Reagan "social agenda": eliminating abortion, affirmative action, school busing, and some established rights of criminal suspects; permitting school prayer; and so on. The Reagan Administration has persistently sought to achieve these aims since it came to power. Its positions on the law often grow more directly from its commitment to this agenda than from any legal analysis. The recently revived rationalization that the President can ignore statutory limitations because he

has free rein in the conduct of foreign policy fits the pattern of theory concocted after the fact to justify newly revealed and suspect practices.

While claiming the reverse—that the aims flow from a commitment to "judicial restraint"—the Administration has used that phrase to describe a right-wing activism that might more properly be called judicial retrenchment. In the Reagan lexicon, a decision by a judge is "restrained" if it does anything to further the President's agenda and cut back the authority of courts. One measure of the Administration's true interest in results instead of restraint, and of the cynicism about the process by which laws are made and interpreted that this interest reveals, is how selectively the Administration has adhered to its stated views about the proper role of the judiciary. Having failed to persuade Congress to turn various parts of the Reagan agenda into law, the President's lawyers have turned to the courts as the main forum in which to pursue his domestic policies. And, still more important, the Administration has tried to pack the courts with judges who appear willing to put aside truly conservative canons of judging in order to fulfill the Reagan agenda.

According to Sheldon Goldman, a political scientist at the University of Massachusetts, during its first six years the Reagan Administration relied on ideology as a primary test of a candidate's fitness for the bench more than any other Administration since Franklin Roosevelt's, and perhaps more than any other in American history. The Reagan Administration insists that its screening of potential judges includes no litmus tests on specific issues, yet some candidates report that they were asked their views on abortion, and a state judge who had been recommended for a federal seat by the senior Republican senator in her state told National Public Radio, "I guess most of us have accepted that we're not going to get these judgeships unless we're willing to commit to a particular position, which we think would be improper." But the Reagan team expresses pride in its concerted effort to choose judges who will rule as the Administration wants. Reagan-appointed judges—largely rich, male, white, and Republican; younger on average than the judges appointed by the five previous Presidents; and, according to the American Bar Association, diminishing somewhat in quality



"Osmond! Lower your eyebrows!"

as the pool of acceptable ideological candidates appears to be drained—now make up over forty per cent of the federal bench.

By acting as if it *were* the law, the Administration has encouraged a climate of lawlessness in its private dealings as well as in its public acts. Members of the Administration have compiled a record of misdeeds, impropriety, and unlawful behavior that defies comparison with that of any of its predecessors. (To take one measure: by the count of the *Washington Post*, between January of 1981 and April of 1986 a hundred and ten senior Reagan officials were accused or found guilty of unethical or illegal conduct. This was months before word of the Iran-Contra affair leaked out, adding Oliver North and John Poindexter to the list, and before the Wedtech scandal implicated yet another group of top officials, including the Attorney General himself.)

The President's aides are increas-

ingly concerned with shaping how Ronald Reagan will be portrayed in history. They call this giant project of spin control Operation Legacy. To many observers, including the President, the decision to fill the courts with a distinct cast of judges will have the most significant consequences of any of the Reagan legal initiatives. Yet, while the Reagan judges will influence the course of the law for the next generation, and the confirmation of Robert Bork as Lewis Powell's successor would almost certainly change the outcome of decisions by the Supreme Court on major social issues, the complexities and unexpected turns of case law, the independence that many judges display when they reach the bench, and the large number of Reagan appointees make it unlikely that their collective impact will be exactly what anyone predicts. According to the *Columbia Law Review*, while some Reagan judges, like Robert Bork, have been extremely conservative, and

the average Reagan judge has voted conservative far more often than judges appointed by Democrats, the average Reagan judge has been only slightly more conservative than those appointed by other Republicans.

The story of a related part of the Administration's effort is more easily traced, and its results can already be discerned. At the center of many of the deep, almost seismic changes that Reagan's team has tried to bring about in the courts and the law is a little-known figure in the Justice Department called the Solicitor General. To lawyers in the highest reaches of the profession, he once represented better than any other individual this country's dedication to the rule of law. The Reagan Administration has stripped the Solicitor General of that distinction, and eliminated his role as the government's legal conscience.

OF all the nation's public officials, including the Attorney General and the Justices of the Supreme Court, the Solicitor General is the only one who is required by statute to be "learned in the law." Although he serves in the Department of Justice (and his title, like the Attorney General's, is displayed in large bronze letters on the outside of the Department's building), he also has permanent chambers in the Supreme Court. The fact of his keeping offices at these two distinct institutions underscores his special role. The Solicitor General's principal task is to represent the executive branch of the government in the Supreme Court, and when he takes the lectern before the Justices his status is clear. With his assistants and other lawyers for the government, the Solicitor General is among the last attorneys to carry on the custom of arguing at the Court in formal striped pants, dark vest, and tails. The Justices expect the substance of his remarks to be distinguished as well. They count on him to look beyond the government's narrow interests. They rely on him to help guide them to the right result in the case at hand, and to pay close attention to the impact of the case on the law itself.

Because of what retired Justice Lewis Powell has described as the Solicitor's "dual responsibility"—to both the judicial and the executive branches—he is sometimes called the Tenth Justice. Although he operates in a sphere of government that is invisible to almost all citizens, his influence is undeniable. Some aspects of it are not

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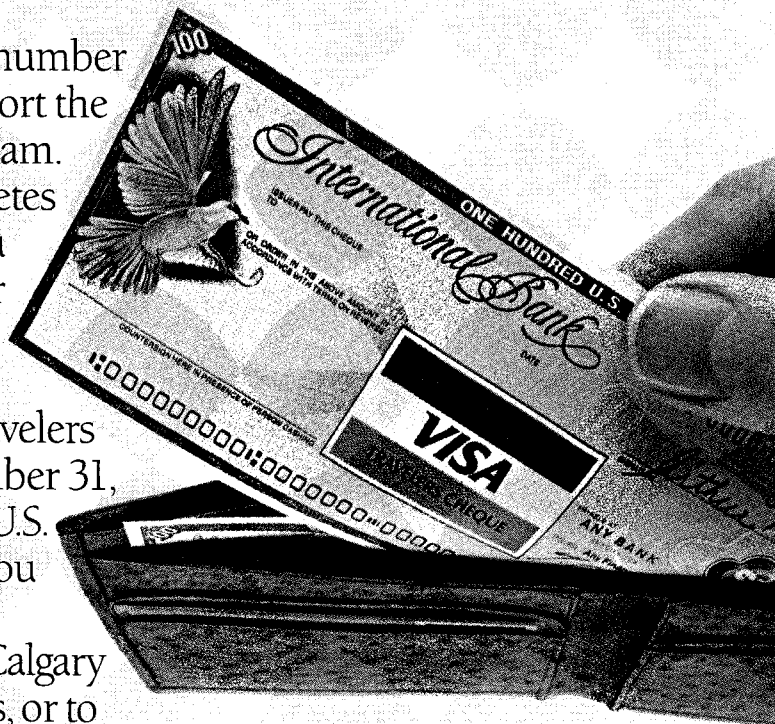
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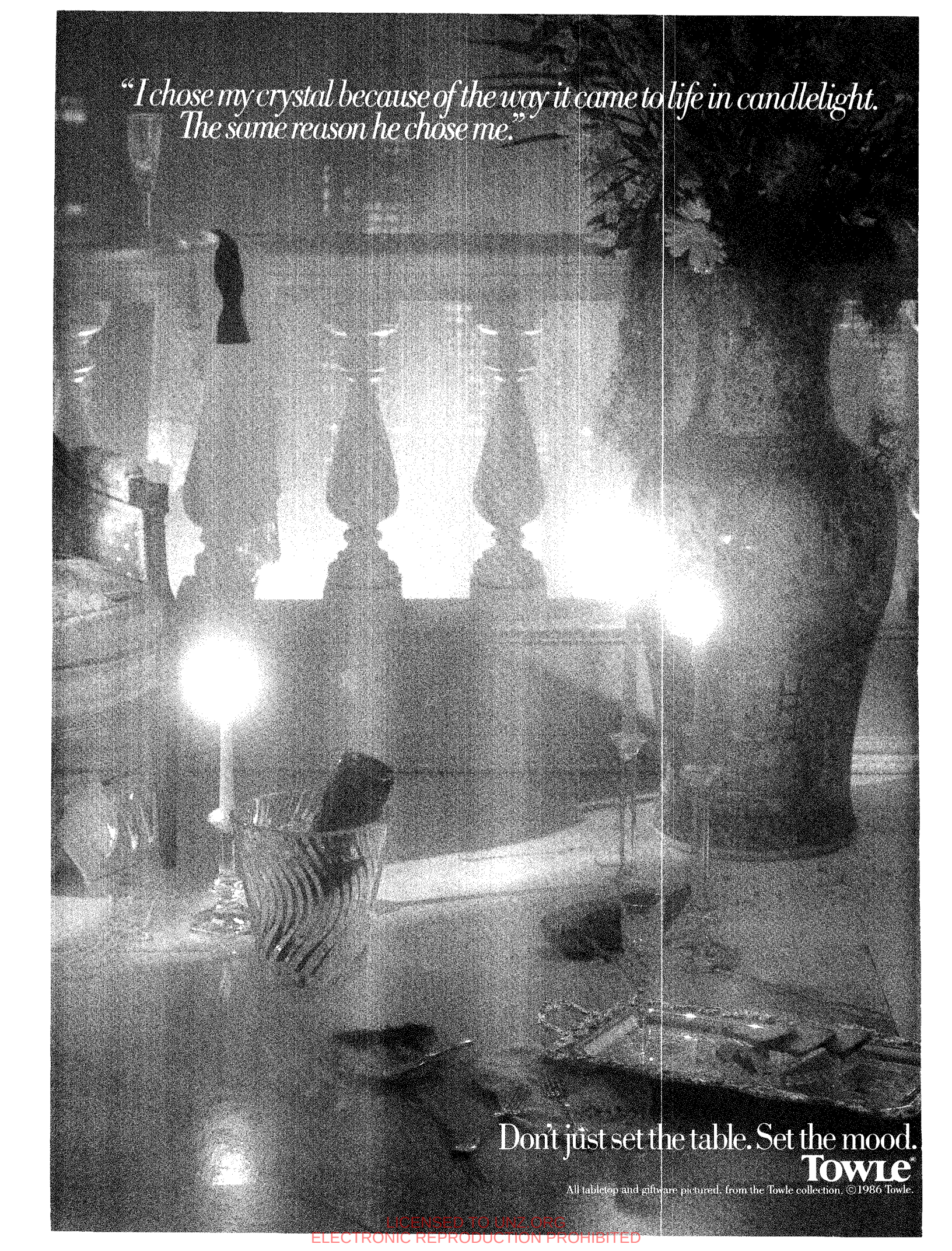
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A black and white photograph of a formal dinner table. The table is set with a white tablecloth, glassware, and plates. In the background, a large crystal chandelier hangs from the ceiling, casting a warm glow. To the right, a large, dark vase stands on a side table. The overall atmosphere is elegant and sophisticated.

*"I chose my crystal because of the way it came to life in candlelight.
The same reason he chose me."*

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All tabletop and giftware pictured, from the Towle collection. ©1986 Towle.

hard to measure. During the 1983 term of the Supreme Court, of thirty-eight hundred and seventy-eight petitions for writs of certiorari (the form in which most parties ask the Court to review a case) submitted by lawyers across the country, the Justices granted only a hundred and twenty, or about three per cent. Of forty-seven petitions from the Solicitor General, they approved thirty-seven—seventy-nine per cent, or almost four out of five. Whenever the government, in the person of the Solicitor General, supported a petition as *amicus curiae*, or friend of the court, in a case in which it was not directly involved, the chance that the Court would approve the petition rose to seventy-eight per cent from two per cent. The Solicitor General, unlike the ordinary adversary, appeared to have almost a standing invitation to come to the Court, and was able to bring along most advocates he sponsored. Once he arrived before the Court, he was even more effective. Of the two hundred and sixty-two cases that the Justices considered on the merits that term, the government took part in a hundred and fifty. The Solicitor General (or S.G., as he is called) won a hundred and twenty-four, or eighty-three per cent, of his cases outright and partial victories in three, for an additional two per cent, giving him an exceptional over-all success rate of eighty-five per cent.

While the S.G.'s performance has not usually reached this level, it has been notably better than the record of nongovernmental attorneys in almost every year since the S.G. became the government's chief lawyer and began to perform the function that most people assume falls naturally to the Attorney General. Until 1853, the Attorney General's was a part-time job. He had a smaller salary than the other members of the President's Cabinet, and was expected to supplement his income by collecting fees in cases that he attracted in private practice because of his office. The government's modest amount of legal business was then managed by lawyers who did not work for the Attorney General, and its court appearances in civil suits were dealt with by a solicitor in the Department of the Treasury.

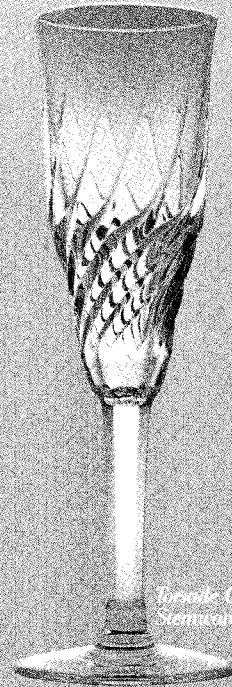
In 1870, when Congress created the Justice Department, it drew on the model of Treasury's solicitor, and directed that "there shall be . . . an offi-

cer learned in the law, to assist the Attorney-General in the performance of his duties, to be called the solicitor-general." Representative Thomas Jenckes, a Republican from Rhode Island, who sponsored the bill establishing the office, explained, "We propose to have a man of sufficient learning, ability, and experience that he can be sent to New Orleans or to New York, or into any court wherever the government has any interest in litigation, and there present the case of the United States as it should be presented." Though early S.G.s tried occasional cases before juries, the holders of the office have for many years concentrated on the government's appeals, especially to the Supreme Court.



The Justice Department has five thousand one hundred and seven attorneys. Of these, the S.G.'s office has only twenty-three, making it the size of a small law firm. The Solicitor's team has always been relatively tiny, but within the executive branch the S.G. has played a powerful—almost judicial—role, consistent with his standing as the Tenth Justice. For every petition the S.G. sends to the Supreme Court from federal agencies with grievances they want the Justices to settle, he rejects five. Often he spurns an agency's request because he thinks that the agency is wrong about the law. Even if he thinks that it is right, he is not easily persuaded to allow an appeal. If the facts of a case that the government lost are unusual enough to give it little weight as precedent, or if there is not much disagreement among the dozen regional courts of appeals about the law under scrutiny, the S.G. will usually accept the defeat.

Though lawyers on the Solicitor's team prefer to talk about the cases they present to the Supreme Court, they actually spend half their time sifting through proposed appeals from trial-court rulings against the government. In a speech at the University of Oklahoma, one Solicitor General bragged, "If the district court in Oklahoma City makes a decision which the United States Attorney doesn't like, he may well tell the press, 'I am going to appeal.' When I see those statements in the press, I say to myself, 'Yes, he is going to appeal if I say he can.' But sometimes I don't." The S.G. and his staff have a reputation for stinginess, and the trait matters, because they are essentially a court of last resort. By



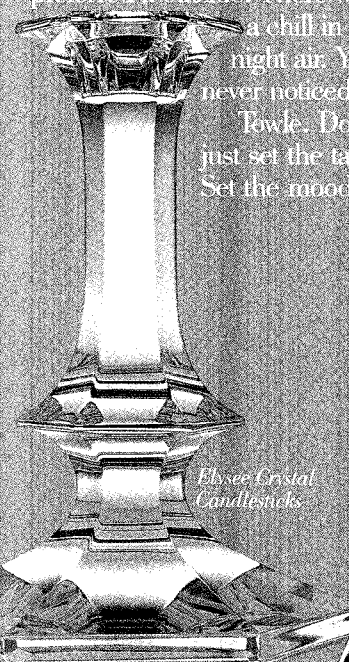
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You chose Val St. Lambert crystal from Towle because of the way it caught the light. Tonight you were hoping it would catch something else. Him.

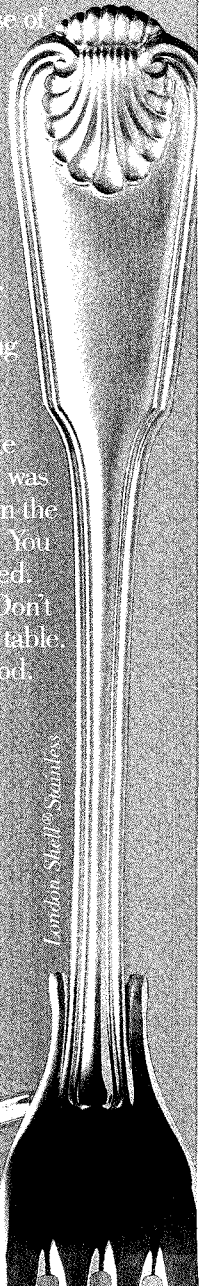
You had also decided on Towle stainless. It was perfect for times like this. Elegant, but not too showy. After all, you didn't want him to think you were trying too hard.

You had set up for a candlelit evening inside. He preferred it outside. There was a chill in the night air. You never noticed.

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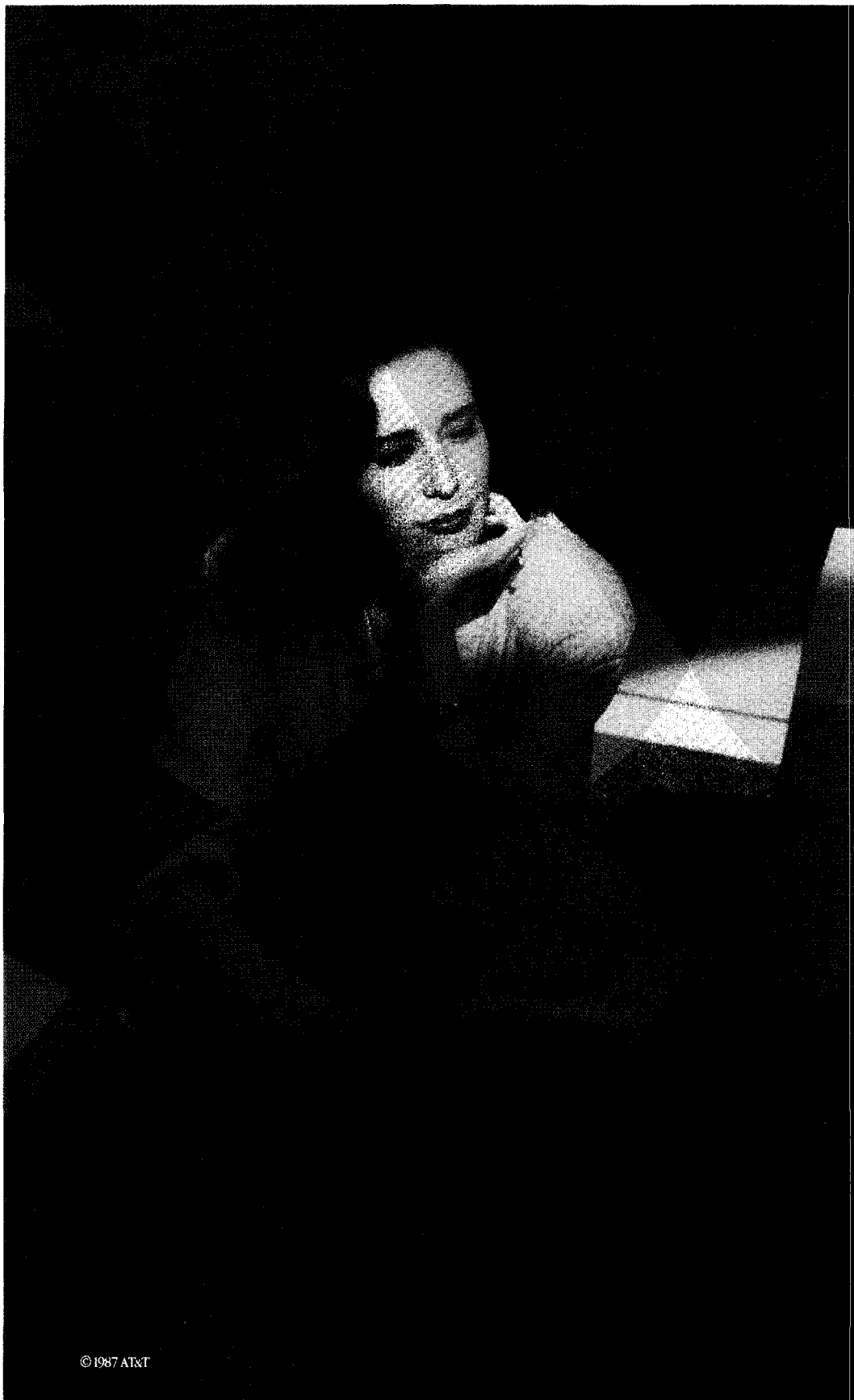
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screening cases that they believe are not ready for hearing by the courts of appeals or the Supreme Court, they help insure that judges rule on the ones that the S.G. considers ripe for appeal.

The S.G.'s influence at the Supreme Court is even more striking than his authority within the executive branch. He does not sit next to the Justices on the bench, but he stands in place of them when he decides which cases should be taken to the Supreme Court. For all its dominance, the Court is a relatively passive institution. The Justices can address issues only after litigants have raised them, and they rely on the Solicitor General more than on anyone else to help them choose the most pressing matters for review. Not long before retired Justice Potter Stewart died, in 1985, he said that he and his colleagues referred to the S.G. as a "traffic cop," who controls the flow of cases to the Court.

The influence of the Solicitor at the Court goes beyond helping the Justices set their docket. The Justices also turn to the S.G. for help with legal problems that appear especially vexing, and two or three dozen times a year they invite him and his office to submit briefs in cases to which the government is not a party. In these cases especially, the Justices regard him as a counsellor to the Court. But in every case in which he participates the Justices expect him to take a long view. The Solicitor General advises the Court about the meaning of federal statutes as well as about the Constitution, so his judgments regularly affect the work of the legislature as much as they affect the executive and the judiciary. Lawyers who have worked in the S.G.'s office like to say that the Solicitor General avoids a conflict between his duty to the executive branch and his respect for Congress or his deference to the judiciary through a higher loyalty to the law.

When the Solicitor General fails to meet the high standard of advocacy that the Court expects of him, the

Justices sometimes take action. From 1933 to 1935, a North Carolina trial lawyer named J. Crawford Biggs was Solicitor. In the eyes of an attorney who worked for him in the S.G.'s office, Biggs was "kindly, honest, and gentle, and just unqualified for the job." After the new man's first term as S.G., the Justices sent word to President Franklin Roosevelt that Biggs should be forbidden to argue again if the Administration wanted to win any cases. Supporters of the President eventually found Biggs another job.

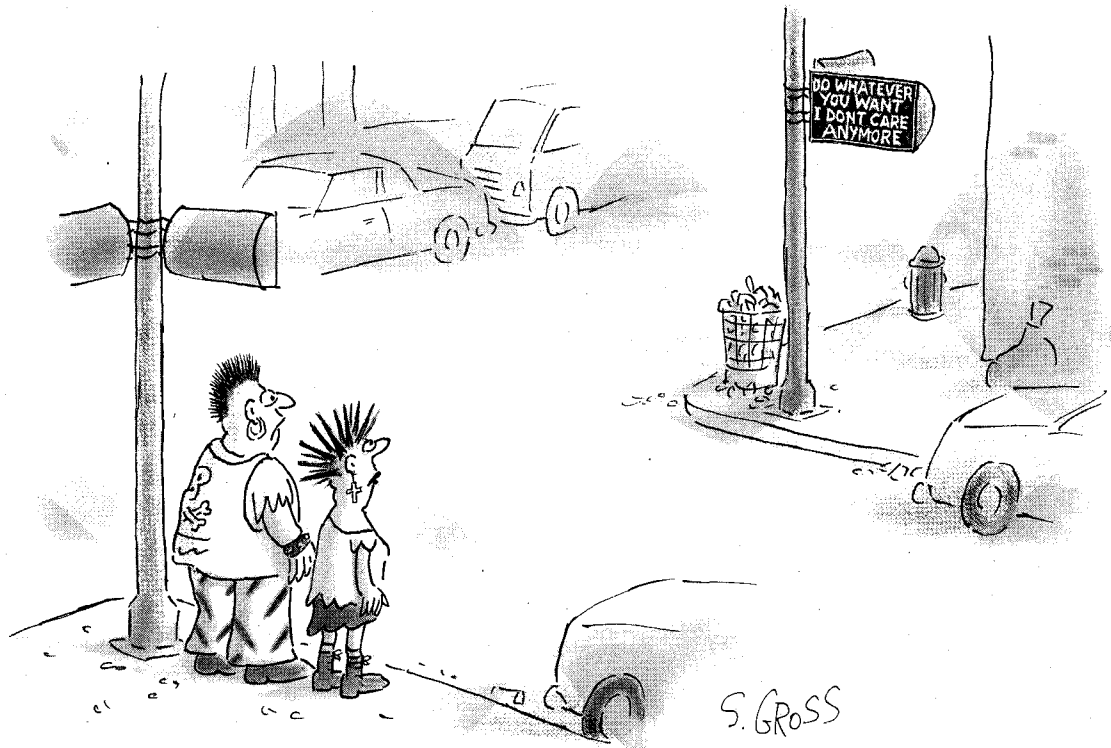
But when things go well the Court gives the S.G. special treatment. In the Supreme Court's rules, the Solicitor General is one of the few lawyers allowed to file a brief as *amicus curiae* without the permission of the parties to the suit, and he is the only *amicus* regularly given time to present his argument to the Court. The S.G. is also the only advocate who regularly "lodges" materials with the Supreme Court, by leaving for the Justices any papers not in the trial record which (in the S.G.'s view) might help the Court put the case in perspective and rule for the government. This runs contrary to the general rule that appeals courts cannot consider evidence that has not been presented to the trial court below. When a deputy clerk at the Supreme Court was asked which Court rule permits lodging, he replied,

"There is no rule. It's just a practice."

A few times a year, the S.G.'s staff gets together with one or another of the Justices to sort through administrative details (whether the Court should retain its current limits on the number of pages allowed in briefs, for example) and to talk. Not long ago, one Justice told about attending lunches with the assistants and the deputies, though not with the S.G. himself, and added, with a laugh, "That should make the hair stand up on the backs of the necks of private lawyers when they hear about it."

The practices favoring the S.G.'s office point up the exceptional terms that sometimes govern dealings between the Supreme Court and the Solicitor: he plays by different rules because he represents the United States. If the S.G.'s office owes a special duty to the Court, and the Justices hold the S.G.'s lawyers to a higher standard of craft, why shouldn't the Court give those lawyers some extra scope?

Before Governor Earl Warren, of California, was unexpectedly appointed Chief Justice following the death of Chief Justice Fred Vinson, in 1953, Warren had been secretly slated to become Solicitor General. In his autobiography, Warren explained why he had planned to accept the job of S.G. after leaving the governorship. He wrote that "the position is probably the most prestigious one in America in



the practice of the law." As he and other Justices have recognized, the prestige of the Solicitor General has been earned through a century of distinguished advocacy. With certain exceptions, among them the government's handling of the Japanese-American-internment cases during the Second World War, it has rarely been compromised by shoddy reasoning, partisanship, or a failure to meet the highest standards of the legal profession.

In a corridor on the fifth floor of the Justice Department, which is where the S.G.'s staff has its offices, photographs of thirty-six of the thirty-eight men who have served as Solicitor General hang in a kind of gallery. Most of the photographs are black-and-white. Like the reputation of the archetypical S.G., the subjects of the pictures impress one as direct, upright, and somehow eccentric. Almost half wear mustaches. None are women, and two—Supreme Court Justice Thurgood Marshall and the former appeals-court judge Wade McCree—are black. Their average tenure has been three years.

Except for a few articles in law reviews, occasional mentions in books on other legal subjects, and speeches by Solicitors reprinted in bar journals, little has been written about the Solicitor General. The small circle of lawyers conversant with the history of the office usually pass it on by moving down the rows of men pictured in the corridor and telling stories of what they and their teams contributed to it. The stories are often retold to a new S.G. or a new lawyer in the office, so he will know the tradition he's expected to uphold.

Over the past two and a half years, I have spoken with all the living Solicitors General (there are nine), from Walter Cummings, appointed in the Truman Administration, through Archibald Cox and Robert Bork, to Charles Fried, of the Reagan Administration, and with many other people who had facts and opinions to share on the subject. Some of those whom I have interviewed, including members of the Supreme Court and their law clerks, lawyers in the office of the Solicitor General, and others in the Justice Department, spoke "on the record" about what they considered uncontroversial, but otherwise insisted on terms that would allow them to tell their version of this delicate story without incurring the distrust of their colleagues, diminishing their ability to perform their jobs, or even jeopardiz-

ing the jobs themselves, through unwanted publicity. They would talk about certain topics only if I promised not to name them as the source of their remarks. But most of them seemed eager to speak about S.G. lore.

By most accounts, John W. Davis, who held the office from 1913 through 1918, was one of the truly distinguished Solicitors. He was appointed Ambassador to Great Britain in 1918, and ran for President in 1924, and while he was S.G. he made the job more important than the Attorney General's. As soon as Davis began his first argument before the Supreme Court as Solicitor General, Chief Justice Edward White sighed in relief: the government's brief was in good hands. As S.G., Davis often took long walks with the Chief Justice, and White used the chance to remind Davis about the Court's reliance on him. White generally did not say much about himself, but one day he stopped, planted his feet, and said, "You know, Mr. Davis, I'm not an educated man. Everything I get I've got to get through my ears. If you say that something happened in 1898, and the next time you say it happened in 1888, why, sir, it's just as if you'd stuck a knife in me!"

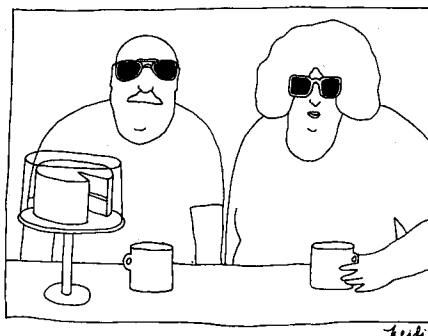
Thomas Thacher, who was S.G. from 1930 through 1933, perfected a technique that became to insiders a signal of the Solicitor's views. Thacher had given up one judgeship to take the job and later he filled another judgeship. Perhaps because of his judicial temperament, he was reluctant to sign briefs whose legal validity he doubted. But he was also unwilling to withhold from the Supreme Court arguments he could not fully discredit. In close cases, he decided, he would sign the government's brief but tag on a disclaimer—what became known among the S.G.'s lawyers as tying a tin can. "The foregoing is presented as the position of the Internal Revenue Service," the brief would clatter, for example, letting the Justices know that it was not the Solicitor General's

position. Since the Court rarely subscribes to the arguments of a brief from any part of the government without the S.G.'s sponsorship, the judgment that Thacher (and, later, others) expressed by tying a tin can was usually decisive.

Another of the S.G.'s more distinctive practices is known as confessing error. If a private attorney wins a case he thinks he should have lost in a lower federal court, he is likely to accept his victory in diplomatic silence. But when the government wins a case in such a court on grounds that strike the Solicitor General as unjust he may confess error and recommend that the Supreme Court overturn the flawed decision. Most confessions of error involve criminal convictions, and happen for a range of reasons: a jury was selected unfairly; a judge gave faulty instructions to the jury before asking its members to reach a verdict; there was scant evidence supporting the verdict. Such confessions of error please almost no one but the S.G. and the defendant who goes free. The government lawyers who have tried the case feel betrayed. The judge whose decision the S.G. wants overturned thinks that the rug has been pulled out from under him by a double-dealing government. Judge Learned Hand sometimes complained, "It's bad enough to have the Supreme Court reverse you, but I will be damned if I will be reversed by some Solicitor General." Several members of the present Supreme Court—Chief Justice Rehnquist and Justice White in particular—clearly dislike the practice, and have occasionally browbeaten the S.G. when he stepped up to confess.

But Archibald Cox, who was S.G. from 1961 to 1965, and who ranks with Davis and former Supreme Court Justice Robert Jackson as one of the three most respected Solicitors, expressed a stalwart's faith in the practice of confessing error. "It tests the strength of our belief that the office has a peculiar responsibility to the Court," he told the Chicago Bar Association in 1962. "It affects the way all our other cases are presented. If we are willing to take a somewhat disinterested and wholly candid position even when it means surrendering a victory, then all our other cases will be presented with a greater degree of restraint, with a greater degree of candor, and with a longer view, perhaps, than otherwise."

The best-known instance of a Solicitor General's acting with candor and



disinterest, to use Cox's terms, occurred in 1955, when Senator Joseph McCarthy was just past his heyday and the influence of McCarthyism was still heavy. Someone accused John Peters, a physician, of disloyalty to the United States and of membership in the Communist Party. Peters was a senior professor of medicine at Yale, and had advised the Surgeon General for years as a consultant. The government initially found Peters not guilty of the charges, but an agency known as the Loyalty Review Board eventually judged him unfit for government service. The board relied on confidential informers and would not let Peters cross-examine these witnesses, or even know their identities. He claimed that he had a constitutional right to confront them and to rebut the charges they made against him.

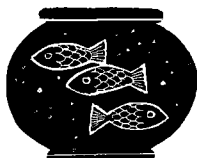
The Solicitor General was Simon Sobeloff, who held the post from 1954 to 1956. When Peters appealed, Sobeloff concluded that it would do no one any good for the Justice Department to oppose the doctor in the Supreme Court. As Sobeloff indicated to Attorney General Herbert Brownell, the case had "far-reaching importance." It was bad for Peters to be kept in the dark about his accusers, but it was worse that the members of the Loyalty Review Board, acting as judges, were also ignorant of the identities and, therefore, the reliability of some of the informants. The S.G. called this "well-nigh indefensible," but Brownell rejected Sobeloff's proposal. Sobeloff decided that his only option was to withhold the S.G.'s backing from the government's case. He refused to sign the government's brief or to argue the merits before the Supreme Court, and another Justice Department official took over the case. The Court eventually ruled for Peters, though it did not decide the constitutional question he raised.

Outside the Court's rarefied circle, the idea of refusing to represent the government may sound like the gesture of a prima donna. If you don't like what the government stands for, why not quit? The answer lies in the S.G.'s responsibility to the Court as well as to the executive, and, because of that, Sobeloff's decision set a standard of integrity for S.G.s to come. It also cost him considerably. Until Sobeloff took his stand, he had been promised a seat on the Court of Appeals for the District of Columbia,

perhaps as a step toward the Supreme Court. ("Every time Sobeloff comes to see me," Justice Felix Frankfurter said, "I feel as if he's taking my temperature.") Not long afterward, a seat on the appeals court came open, but Sobeloff was passed over in favor of the man who had taken on the Peters case for the government—Warren Burger. Burger made his name as a conservative foil to the liberal majority of the D.C. Circuit, and was later appointed Chief Justice of the United States. Sobeloff eventually filled a seat on the federal Court of Appeals in Maryland.

If Sobeloff had gone on to the Supreme Court, he would have been one of a handful of S.G.s who subsequently won such an appointment. They include William Howard Taft, Stanley Reed, Robert Jackson, and Thurgood Marshall, and, if he is confirmed, Robert Bork. Lawyers who were once assistants to the S.G. have gone on to positions of high esteem in the law almost as often as the S.G.s themselves. They include Paul Freund, Harvard Law School's great constitutional scholar, and the late Charles Wyzanski, who was a distinguished judge in Boston. Some of the better-known former assistants of the S.G.s as well as S.G.s themselves have become judges partly, perhaps, because the S.G.'s office itself has a judicial cast. The character of the office as an uncorrupted preserve that is somehow above the fray leads most former S.G.s to look back on their tenure almost with reverence. Not long ago, Justice Thurgood Marshall, who was S.G. from 1965 to 1967, said, "It's the best job I've ever had, bar none."

Robert Bork, who served on the federal Court of Appeals for the District of Columbia for five years before his nomination to the Supreme Court, mocks the tradition of the Solicitor General. "Everybody talked about it as a place where the lore was very arcane and celestial music played," he said recently, "so I called myself Der Meister Shyster." Living with what he called "the tension between legal principle and political expediency," Bork became perhaps the best-known Solicitor in history when he fired Archibald Cox as Watergate Special Prosecutor during the Saturday Night Massacre, after Attorney General Elliot Richardson and his deputy, William French Smith, had refused to, and Bork automatically became Acting Attorney General. Bork also pledged to



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carry out Richard Nixon's order that he abolish the Special Prosecutor's office, and he did. After Americans overwhelmingly condemned the Cox firing, Nixon's aides realized they needed to defuse this response, and Bork agreed. With the concurrence of the White House (and, perhaps, at its direction), Bork appointed Leon Jaworski to succeed Cox and finish his investigation. Just as Bork had been named S.G. because he had demonstrated his willingness to push politics as far as principle would allow, by helping the Nixon Administration devise limits to propose to Congress on busing as a tool of school desegregation, he confidently presented controversial views of the Nixon and Ford Administrations to the Supreme Court. Yet Bork felt no need to register an opinion for the government about each major social issue. Sympathetic to a Republican, law-and-order view of criminal law, he nonetheless confessed error in some cases. He also declined to make oral arguments in cases he considered "fatuous." Despite his cynicism about the lore of the S.G., and his boredom with routine which led Chief Justice Burger to call him on the carpet for failing to meet deadlines in a run of Supreme Court cases, Bork accommodated himself to the tradition.

Erwin Griswold is now the patriarch of the S.G. family. He first went to work as an assistant to the S.G. in 1929, when he was twenty-five; he was dean of Harvard Law School for a generation; and in 1967, though he was a Republican, he was appointed Solicitor General by President Lyndon Johnson. He served as S.G. through the start of the second term of the Nixon Administration. Griswold has argued more cases before the Supreme Court (a hundred and seventeen) than any other twentieth-century advocate except John W. Davis (a hundred and forty), and he ranks fourth on the Court's all-time list—behind Davis, Daniel Webster (between a hundred and eighty-five and two hundred, in the years from 1814 to 1851), and a little-known lawyer named Walter Jones, who between 1801 and 1850 is reported to have argued three hundred and seventeen. Griswold often quotes a maxim of Frederick Lehmann, who was S.G. from 1910 to 1912, to explain the character of the office. In a brief to the Supreme Court confessing error, Lehmann declared, "The United States wins its point whenever justice is done its citizens in the courts." The saying was carved into the rotun-

da of the Attorney General's office at the Department of Justice as a reminder to all his visitors, and it is a motto of the S.G.

It has been important for the S.G. to be "independent," in order to fulfill his duty to the executive branch and the Supreme Court, and to help the courts do justice. Former Solicitor General Francis Biddle crystallized the theory of independence in his memoirs, called "In Brief Authority." He wrote that the S.G. "is responsible neither to the man who appointed him"—that is, the President—"nor to his immediate superior in the hierarchy of administration," the Attorney General. "The total responsibility is his, and his guide is only the ethic of his law profession framed in the ambience of his experience and judgment. And he represents the most powerful client in the world. Nor are there any of the drawbacks that usually go with public work, no political compromises, no shifts and substitutes, no cunning deviations, no considerations of expediency. The Solicitor General has no master to serve except his country."

Biddle's words describe an ideal that has never been entirely fulfilled. Not even Biddle questioned that the Solicitor General works for the Attorney General and serves at the pleasure of the President. He understood that the word "independent" does not mean that the S.G. should be free to argue points of view that regularly diverge from the Administration's. The executive branch is in some sense the S.G.'s client, and within the bounds of the law the S.G. must strive to represent its interests as they change from one Administration to the next. In any event, he is not likely to disagree often or by much, because a President will not appoint or, if he does, will not retain a Solicitor who does not share his vision of the law.

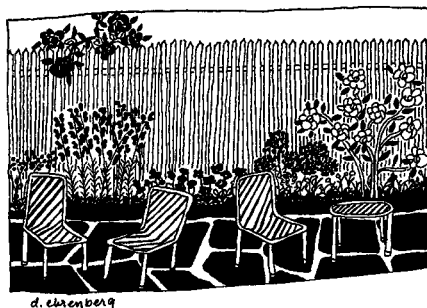
Yet by tradition, and because of his responsibilities to the Court, an S.G. must be free to reach his own carefully reasoned conclusions about the proper answer to a question of law, without second-guessing or insistence that his

legal advice regularly conform to the politics of the Administration he represents. An S.G. must have the independence to exercise his craft as a lawyer on behalf of the institution of government without being a mouth-piece for the President.

In 1977, during the Carter Administration, the Justice Department issued the only official statement about the Solicitor General that has been made in the history of the office, and it focussed on the question of the S.G.'s independence. Entitled "Memorandum for the Attorney General Re: The Role of the Solicitor General," the paper was prompted by disputes about several controversial cases in which members of President Carter's Cabinet believed that they had not been allowed enough influence over the arguments made by the S.G. on behalf of the government. "The purpose of this memorandum," it began, "is to discuss (1) the institutional relationship between the Attorney General and the Solicitor General, and (2) the role that each should play in formulating and presenting the Government's position in litigation before the Supreme Court."

The memo settled the first issue quickly. "The short of the matter," it concluded, "is that under our law the Attorney General has the power and the right to 'conduct and argue' the Government's case in any court of the United States"—and the Solicitor General worked for the Attorney General. But the answer to the second issue lurked in custom as much as in law, and so was harder to pin down. The S.G. had enjoyed "independence" within the Justice Department and within the executive branch. He was not "bound" by the views of his "clients" within the government, and he was free to confess error, rewrite briefs, and turn down requests for petitions to the Supreme Court. The memo gave four reasons for this freedom: "The Solicitor General must coordinate conflicting views within the executive branch; he must protect the Court by presenting meritorious claims in a straightforward and professional manner and by screening out unmeritorious ones; he must assist in the orderly development of decisional law; and he must 'do justice'—that is, he must discharge his office in accordance with law and ensure that improper concerns do not influence the presentation of the Government's case in the Supreme Court."

The Attorney General could not do

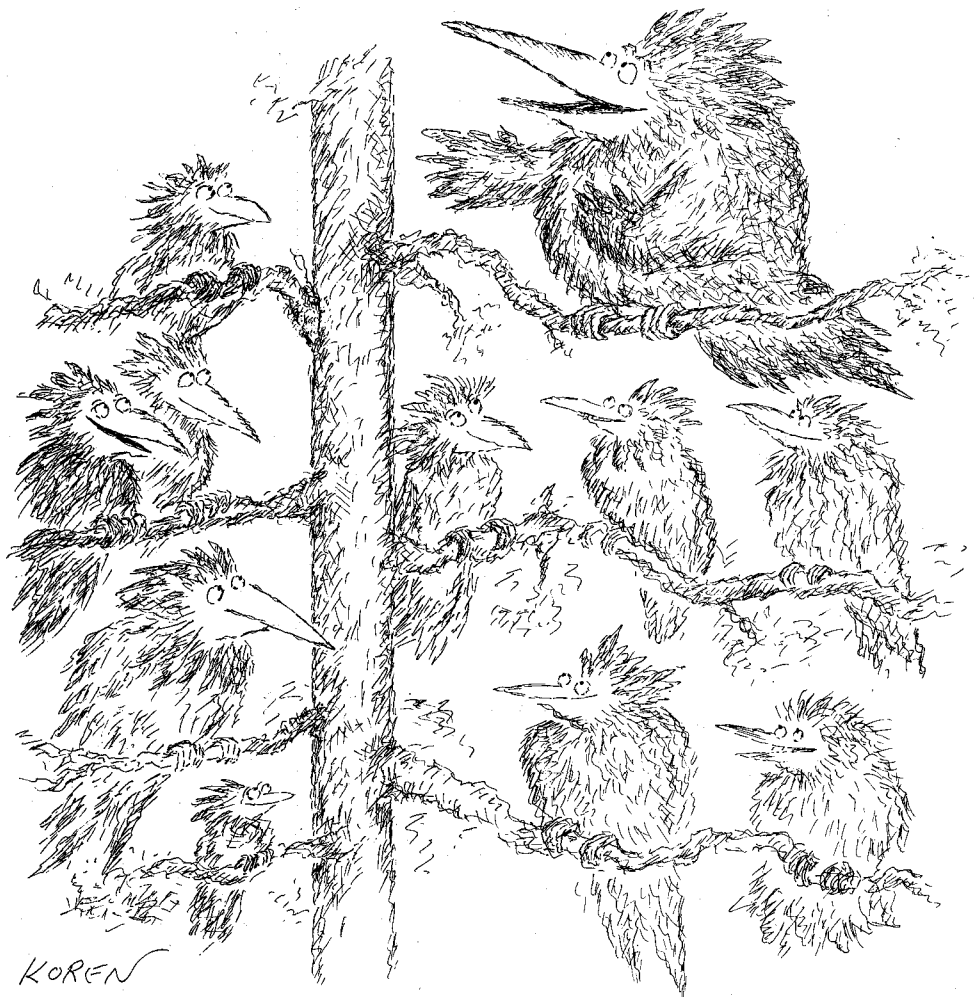


the same, because his political responsibilities might "cloud a clear vision of what the law requires." The memo stated, "For this reason alone, in our view, the tradition of the 'independent' Solicitor General is a wise tradition." In the small number of cases that arose in political controversy, the Attorney General could strengthen the S.G.'s independence by taking responsibility for the final judgment on the government's position and shielding the S.G. from political pressure. By preserving the Solicitor General's independence, the Attorney General enhanced the S.G.'s ability to serve as "an officer learned in the law."

The memo closed by addressing the most difficult question: "How does one identify the 'rare instances' in which intervention by the Attorney General may be justifiable?" According to the Attorney General's aides, it was not enough that the Attorney General disagree with the S.G. over a question of law. If the S.G. had made a mistake, the Supreme Court could correct him. If the Court upheld him, "then all the better, for his legal judgment and not that of his superiors was correct," the memo noted. "In either case, the potential benefit of intervention is usually outweighed, in our view, by the mischief inherent in it."

About legal judgments, it was settled: the S.G. should be independent. "But if 'law' does not provide a clear answer to the question presented by the case before him, we think there is no reason to suppose that he, of all the officers in the executive branch, should have the final responsibility for deciding what, as a matter of policy, the interests of the Government, the parties, or the Nation may require. To our knowledge, no Solicitor General has adopted a contrary view," the memo stated. So decisions about policy should be made by the Attorney General. "But the Attorney General and the President should trust the judgment of the Solicitor General not only in determining questions of law but also in distinguishing between questions of law and questions of policy," the memo went on. "If the independent legal advice of the Solicitor General is to be preserved, it should normally be the Solicitor General who decides when to seek the advice of the Attorney General or the President in a given case."

THE first public sign of change in the Solicitor General's office under the Reagan Administration came



"Great set of pipes!"

during February of 1982, in a footnote to a brief filed by the office in the Supreme Court in a case called *Bob Jones University v. United States of America*. In the footnote, the Acting Solicitor General withheld his endorsement of the government's main contention.

When the *Bob Jones* brief was filed, Lawrence Wallace was Acting Solicitor General. Rex Lee had been sworn in as S.G. seven months before, but he had once represented the Mormon Church when it faced a problem like *Bob Jones'* and, to avoid the appearance of a conflict of interest, he had taken himself off the case. Wallace was and is otherwise the senior Deputy Solicitor and, perhaps more self-consciously than anyone else who works for the S.G., he considers it his duty to maintain the traditions of the office. When the Justices of the Supreme Court present the Court's new opinions, as they regularly do, in an austere ceremony, he is often the only lawyer for the government who attends. He sits at counsel's table in

front of the Justices, to signify that, whatever the Court's judgment, the government is prepared to comply.

By the start of the Reagan Administration, Wallace had been editor-in-chief of the *Columbia Law Review*, an associate at the highly regarded Washington law firm Covington & Burling, a law clerk to Justice Hugo Black, and a professor at Duke University School of Law, and he had been with the S.G.'s office for twelve years. At forty-nine, he had argued almost eighty cases before the Supreme Court, or almost thirty more than anyone else then in the government. Wallace knew that his footnote in the *Bob Jones* brief was likely to draw close attention.

Bob Jones, in its public-relations material, described itself as "the world's most unusual university." Situated in Greenville, South Carolina, the school gives "special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Along with another institution, called

Goldsboro Christian Schools, in Goldsboro, North Carolina, the university was before the Supreme Court because of its admissions policy in regard to blacks. For most of its history, the school had excluded them. School leaders believed from their reading of Scripture that God intended the races to live separately, and they ran the university accordingly.

In 1970, the Internal Revenue Service ruled that because of this segregationist policy Bob Jones no longer qualified for tax-exempt status, so the school changed it. Blacks could be accepted if they were married to other blacks or if they promised not to date or marry outside their race. After the new policy took effect, Bob Jones enrolled five blacks in a student body of approximately sixty-three hundred. By the time of the Supreme Court case, a decade later, fewer than a dozen blacks were attending the school, for a ratio of whites to blacks of about five hundred and fifty to one.

From the vantage of the Solicitor General's office, the legal issue in the Bob Jones case was routine. It was a tax question. After the Supreme Court called for the desegregation of public schools in *Brown v. Board of Education*, "segregation academies" sprang up through the South. The Civil Rights Act of 1964 outlawed direct government aid to these private, whites-only schools, but the law said nothing about indirect subsidies through tax exemptions. The academies claimed to be exempt from federal tax as educational institutions. For a number of years after the act became law, the I.R.S. continued to excuse the schools from paying taxes, and allowed their benefactors to deduct from their own taxes the contributions they made to the schools. By 1970, however, the agency decided to alter its position. The Nixon Administration's I.R.S. notified five thousand schools that it would read the tax code a new way. To qualify for a tax exemption, schools had to be "charitable" in the broadest sense. They could not serve ends in conflict with public policy, such as the nation's commitment to halting racial discrimination.

At trial, Bob Jones won its suit against the I.R.S. The I.R.S. won on appeal. In 1981, the university asked the Supreme Court to review the case, and Lawrence Wallace responded with another action

peculiar to the Solicitor General: he "acquiesced." He agreed that the school's petition should be heard, though he opposed it on the merits.

Not long after Wallace submitted the S.G.'s acquiescence, Representative Trent Lott, Republican of Mississippi, sent letters around the government protesting the Wallace position that the Court of Appeals should be upheld. His missives went to the President, the Attorney General, the Commissioner of the I.R.S., and Solicitor General Rex Lee. "The last time I read the Constitution," Lott declared, "it provided that the Congress is to make the laws—not appointed officials." The phrase "appointed officials" covered all but the two top members of the executive branch (including the I.R.S.), and the judicial branch. Because the Court of Appeals in the Bob Jones case had upheld the I.R.S. reading of the tax code, Lott and his supporters thought that the judges were as remiss as the tax officials.

The Justice Department group that rallied to reverse Wallace's position on the merits became known as the Bob Jones team. The senior member was Edward Schmults, who, as the Deputy Attorney General, was the Department's second-ranking official. The team also included William Bradford Reynolds, who was Assistant Attorney General for Civil Rights; Charles Cooper, his assistant; Carolyn Kuhl, an aide to Attorney General William French Smith; and Bruce Fein, who was an aide to Schmults. After Wallace took his position, Fein wrote a paper arguing that the case deserved the Attorney General's special attention. "The I.R.S. did not have the authority under the law to promulgate those regulations, and the obligation of the [Justice] Department was to go by what the law actually says instead of going the other way because it makes us feel good," he stated. "One

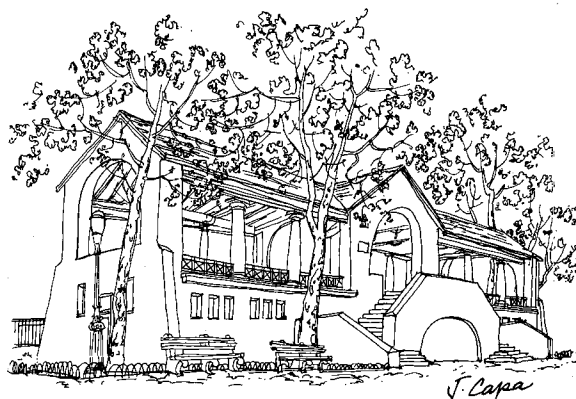
of the problems we've had in the last twenty years is 'feel good law.'" Kuhl found some campaign material saying that Ronald Reagan had opposed "the I.R.S.'s attempt to remove the tax-exempt status of private schools by administrative fiat" and that the 1980 Republican platform pledged to "halt the unconstitutional regulatory vendetta launched by Mr. Carter's I.R.S. Commissioner against independent schools"—though it was President Nixon's commissioner who, with Nixon's approval, had begun what the platform called a vendetta.

Trent Lott's letter was summarized in the President's log of congressional mail as urging the President "to intervene in this particular case." President Reagan scrawled in the margin, "I think we should." Some of the President's senior advisers maintained that the shift contemplated by the Bob Jones team was no more than an about-face on a policy of the Carter Administration, and they approved.

To lawyers in the S.G.'s office, the Bob Jones team's position was indefensible. First, they believed that it was wrong on the law. For a decade, the I.R.S. had applied the tax law in keeping with the commitment to halt discrimination. Thirteen times during those years, Congress had considered amending the tax code, and each time had decided that it was not necessary to clarify the law, because the tax service was already reading it properly.

Next, the change did not appear to serve the Administration's interests. If the President's followers wanted to make a statement about the appropriate division of responsibility under the Constitution for creating, enforcing, and interpreting the law, a case that required the Administration to endorse racism while making its statement seemed an ill-chosen vehicle. Though the crux of the Administration's theory may have rested on an earnestly held principle—that the doctrine on which the I.R.S. based its decision to revoke tax exemptions in 1970 had no obvious limits—it was not convincing. Tied to the divisive issue of race, the Administration's position appeared to be a construction of lawyers whose insensitivity seemed perverse.

After the Administration's position was announced, the views of the Reagan Administration were widely regarded as an endorsement of racism.



"The Rewarding of Bias," the Los Angeles *Times* called the position. "Hypocritical Tax Change Means Racism Will Pay," the Tallahassee *Democrat* said. "Tax-Exempt Hate," the headline over an editorial in the *Times* said. White House aides tried to convince reporters that the President had not guided the decision to overrule I.R.S. policy in the case, but at a press conference President Reagan rejected this cover. He was asked by ABC's Sam Donaldson, "Are you responsible for the original decision, or did your staff put something over on you?" The President replied, "Sam, no one put anything over on me. No, Sam, the buck stops at my desk. . . . Judge us [by] how well we recover and solve the situation."

Following the public outcry, the President's aides tried to make their judgment seem coherent, and declared that Congress should take responsibility by amending the I.R.S. code to forbid tax exemptions to schools like Bob Jones. The proposal for Congress to settle the issue went nowhere, because many members appeared to believe that there was no "problem" to resolve. In other circumstances, they might have taken the opportunity to clear up an ambiguous detail of the tax code. Now they felt manipulated by an Administration trying to get Congress to cover up the executive branch's gaffe. William Brodhead, a Democratic Representative from Michigan, told witnesses for the Administration that testimony they had given about their proposal was "the shabbiest, most unbelievable bunch of crap I've heard since I've been here."

Around the time Wallace submitted the government's brief, he received a personal letter from Marvin Frankel, a former federal judge who is now a lawyer in private practice. It was one of a dozen well-wishing notes or calls that the deputy received in response to his footnote. "With the semi-proprietary interest of an S.G. alumnus (1952-1956), I have watched your career from afar with approval and admiration," Frankel wrote. "Not being a writer of fan letters, I haven't found occasion to share these sentiments with you. Now, however, I'm prompted to report directly my special applause for your sound and courageous stance on the I.R.S.-racial discrimination business. I'm sure the decision to take this position was not reached lightly or

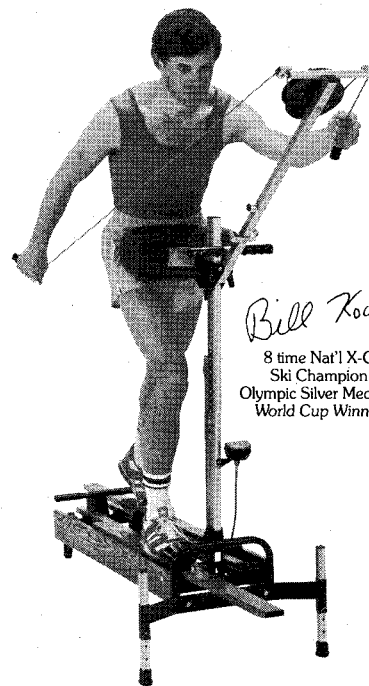
without anguish. Recognizing the personal cost to you, I want you to know that some of us out here appreciate your contribution to principle and public decency."

The Supreme Court eventually accorded Wallace a public vindication. "Given the stress and anguish of the history of efforts to escape from the shackles of the 'separate but equal' doctrine of *Plessy v. Ferguson*," the Court's majority opinion stated, referring to the 1896 decision that endorsed the doctrine, "it cannot be said that educational institutions that, for whatever reasons, practice racial discrimination, are institutions exercising 'beneficial and stabilizing influences in community life' . . . or should be encouraged by having all taxpayers share in their support by way of special tax status." The executive, legislative, and judicial branches had long agreed

on this interpretation of public policy, the majority opinion of the Court went on, and the I.R.S. could not "blissfully ignore what all three branches of the Federal Government had declared." The opinion, signed by Chief Justice Warren Burger, stated that "there can no longer be any doubt that racial discrimination in education violates deeply and widely accepted views of elementary justice." With William Rehnquist dissenting, the Justices ruled eight to one in favor of the I.R.S.

For Lawrence Wallace, however, the victory in the Supreme Court was Pyrrhic. During his tenure, Wallace had worked for four S.G.s and five Administrations, with the Republicans outnumbering the Democrats three to one (the S.G.s) and three to two (the Administrations). He considered himself a civil servant with a duty to the government, and although he regularly miffed both Democratic and Republican political appointees by toning down their partisan contentions, he had succeeded in earning their trust until he ventured to disagree with the Reagan Administration.

Marvin Frankel, in his letter to Wallace, had concluded, "I would hope that neither this good action nor anything else will require you to need specific support from colleagues like me. But I ask you to record my availability if and when you think I might be of any use. Meanwhile, accept my respectful cheers and gratitude. And my confident wishes and expectations



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for your continued distinction at the top of our shared profession." Wallace did not call on Frankel for assistance, but he might have. By the time the Supreme Court handed down its Bob Jones decision, Wallace had been singled out by top members of the Justice Department as the cause of things gone wrong in the case, and he was relieved of all responsibility for civil-rights cases, which he had handled for many years.

THE nature of Wallace's replacement was just as significant. For the first time in the history of the Solicitor General's office, a counsellor to the Solicitor General and Deputy Solicitor General was appointed, and he became known as the political deputy. The reason given for the new post was plausible: the S.G. should be backed up by another lieutenant of the President, so that when the Solicitor had to remove himself from a case, as Rex Lee did in Bob Jones, he could defer to a substitute in whom the Administration had placed trust. But the appointment of the political deputy offered hard evidence of how first the relationship between the S.G.'s office and the rest of the Justice Department and then the relationship between the S.G.'s office and the Supreme Court were being transformed by the Reagan Administration.

The new man was Paul Bator, a conservative legal scholar from Harvard Law School. A graduate summa cum laude of both Princeton and Harvard Law, where he presided at the *Law Review*, Bator had clerked for Justice John Harlan, who was an outstanding conservative jurist, and he was widely respected as a co-author of the second edition of a definitive volume on the workings of federal law.

Bator had his own views about what he was meant to do as political deputy. "It was rather clear from the situation what was needed," he said not long ago. "They were not looking for someone who would give the office a political trashing. If someone had been put in there whom the office regarded as incompetent or as merely political, who was not a fine lawyer or a person of distinction, that would have been inappropriate. I think that the office and the Solicitor General himself thought that I was an ideal solution. In a soft and general way, I was sympathetic to the Administration, certainly in the area of constitutional law. But basically I'm an apolitical person. I'm a professor, I'm an academic, I

believe in academic integrity. I've always stood for very severe professional standards. The S.G.'s lawyers felt that I would have credibility vis-à-vis the political people while being sensitive to concerns of tradition, continuity, and integrity, and the Administration types felt that I would be a more sympathetic ear to their concerns than Larry and some of the others."

But Paul Bator had a new charter. He was brought in as a monitor by an Administration that did not trust the counsel of the Solicitor General's career attorneys. "You must remember that the tradition of independence has always been within the context of an underlying responsibility running from the Solicitor General to the Attorney General, and from the Attorney General to the President," Bator explained, oversimplifying and, by his emphasis, contradicting the understanding of the S.G.'s role that had been expressed by the Justice Department during the Carter Administration, and that Lawrence Wallace had followed in the Bob Jones case. "It has never been *real* independence," Bator said.

REX LEE appeared to be a fitting choice as Solicitor General for the Reagan Administration. He had graduated first in his class from the University of Chicago Law School, clerked for Justice Byron White, served in the Ford Administration as Assistant Attorney General in charge of the Civil Division, and was dean of

Brigham Young University's J. Reuben Clark Law School. In two compact volumes, "A Lawyer Looks at the Constitution" and "A Lawyer Looks at the Equal Rights Amendment," he had shown an ability to articulate conservative legal ideals in plain terms.

A lawyer who worked for him in the S.G.'s office observed, "You meet Rex Lee, and you think Huck Finn." Lee is a tall, slim, boyish-looking man with slick brown hair and a slight stutter. His manner is open and winning. He was forty-six years old when Attorney General William French Smith asked him to be S.G.

Judged by the numbers, Lee's four years as S.G. were extremely successful. In one term—1983—the government won a higher percentage of its cases in the Supreme Court than it had in any term since 1955, when the Justice Department began keeping modern statistics, and in the three others it did almost as well; it consistently persuaded the Court to review a high share of its lower-court losses; and, as a friend of the Court, it played a part in helping resolve major cases in which it was not a party.

But Lee's record of accomplishment did not constitute his legacy. In the S.G.'s office, the cases that marked his tenure were like Bob Jones: they were known as "agenda cases." They dealt with the core of the President's social agenda, as it was identified in his speeches and in the 1980 Republican National Platform: against school busing; in favor of school prayer; against abortion; and so on. In Lee's writings before he became Solicitor General, he had adopted each of these positions. In his early days as S.G., he spread the word that too many people with too many causes had access to the federal courts, and too many fundamental rights were available for them to assert. But in 1983, at the end of his second year as S.G., he viewed the Reagan agenda in a new light. He told the *Los Angeles Times* that it was "an albatross around my neck."

Lee's unhappiness with what he called, in the *Los Angeles Times*, the "enormous pressure" on him to push the Supreme Court "too far too fast" had mostly to do with the difference between his concept of the law and the one that dominated the Reagan Administration. Lee believed in a traditional version of judicial restraint. The judges who best articulated that philosophy of restraint, like Justices Felix Frankfurter and John Harlan and Judge Learned Hand, were



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strongly influenced by events of the nineteen-thirties, when a conservative majority on the Supreme Court was doing its best to stymie the New Deal by continually striking down legislation proposed by Franklin Roosevelt and passed by Congress. This had given them a vivid education about the perils of judicial activism. They were also gifted legal craftsmen, and constructed modern canons for the courts to follow, to limit the courts' power.

The Supreme Court and other federal courts should defer when possible, they said, to the judgments of democratically elected bodies, from the Congress down to local school boards. Since the states are the foundation of the Union, and the Constitution draws its power from them, the courts should defer to state and local over federal authority. Exercising passive virtues, the judges went on, courts should decide no case unnecessarily. When they do rule, they should do it on the narrowest possible grounds. Except in unusual instances, they should keep the law consistent and avoid rash decisions by closely following precedent. Judges should carefully interpret all sources of law, including cases, statutes, and the Constitution itself, and they should not read into a case or a law provisions that are not there.

With these canons, the theory of judicial restraint became a force for legal conservatism—helping judges conserve their authority for use in the gradual evolution of the law. And the writings of Frankfurter and the other respected promoters of judicial restraint also came to stand for the essence of good lawyering. They called for a mixture of close analysis and common sense, and favored careful argument, attention to facts and to precedent, and written documentation. They valued step-by-step decisions and intellectual honesty—measured change in the law. These are the qualities that lawyers single out when they describe the virtues of the S.G.'s office. In the paradoxical ways of the law, these qualities make the government's occasional calls for novel legal doctrine to accommodate sweeping social change far more persuasive.

When Rex Lee was Solicitor General, he used the word "restraint" in both of these senses. On the one hand, like supporters of judicial restraint in previous generations, he believed that the philosophy of a limited role for the courts was best fulfilled by observing

the canons. On the other hand, he admired the careful and intelligent craftsmanship of the lawyers in the S.G.'s office, and recognized how much they relied on restraint in their practice before the Supreme Court. He believed in the principles that they followed. The government should raise only issues that are ready for decision by the Supreme Court. If it appears as an *amicus curiae*, it should not raise issues that no party to the suit has brought up. If it discovers a precedent that cuts against the argument it is making to the Justices, it has a duty to let the Court know about that precedent. The "restraint traditionally exercised by Solicitors General,"

Lee judged, had a measurable value, because "the single most important factor contributing to the success of a President's litigating objectives is the preservation of the Solicitor General's unique standing with the Supreme Court." He told the *Los Angeles Times* that the positions taken by the Solicitor General for years have carried special weight with the Supreme Court because they were regarded as representing not merely the political views of the Administration but the broad interests of the nation. "One of the most important jobs I have is protecting the tradition of John W. Davis, Robert H. Jackson, Charles Fahy, and Thurgood Marshall," Lee said.

The idea of judicial restraint embraced by the Reagan Administration was notably different from the traditional view adopted by Lee and others. It was distilled by Judge Richard Posner, of the Court of Appeals for the Seventh Circuit, in Chicago. "I believe judicial restraint refers to a policy of reducing the power of the federal courts vis-à-vis the other branches of government," he stated in 1985, at a symposium about courts which was sponsored by a conservative organization called the Manhattan Institute for Policy Research. "It is not a policy of standing by whatever has been done. If it is that, it would constitute an irresistible engine of judicial activism." By Posner's logic, if believers in the new, substantive version of restraint applied the old-style standards, they would end up extending decisions of the "activist"—that is, liberal—judges they opposed. To undo the damage being done by these judges, Reagan's judicial appointees had to be unrestrained in the traditional sense, and his lawyers had to urge unrestrained positions. Posner distin-



guished between his philosophy of judicial restraint and the techniques of judging that should be used to enact it; he argued that judges had to abandon restraint in the latter to put the former into practice. Frankfurter and others had warned that judges should be reluctant to expand their power. Posner urged that judges dramatically cut it back and, along with other Reagan judges, like Robert Bork and Antonin Scalia, of the Court of Appeals for the District of Columbia Circuit, he acted on that philosophy.

In an interview in the *Los Angeles Times* in June of 1986, President Reagan seemed to turn the definition of judicial restraint upside down once again; it was a reminder that the Administration's notion of judicial restraint was often a call not for a shift in legal philosophy but for results. He explained that "restraint" meant achieving in the courts what Congress had refused to do for the Administration. "Well, you have found that Congress has been unwilling to deal with these problems that we brought up," the President said. A reporter told the President that one of his senior aides, Patrick Buchanan, had said, "If you got two appointments to the Supreme

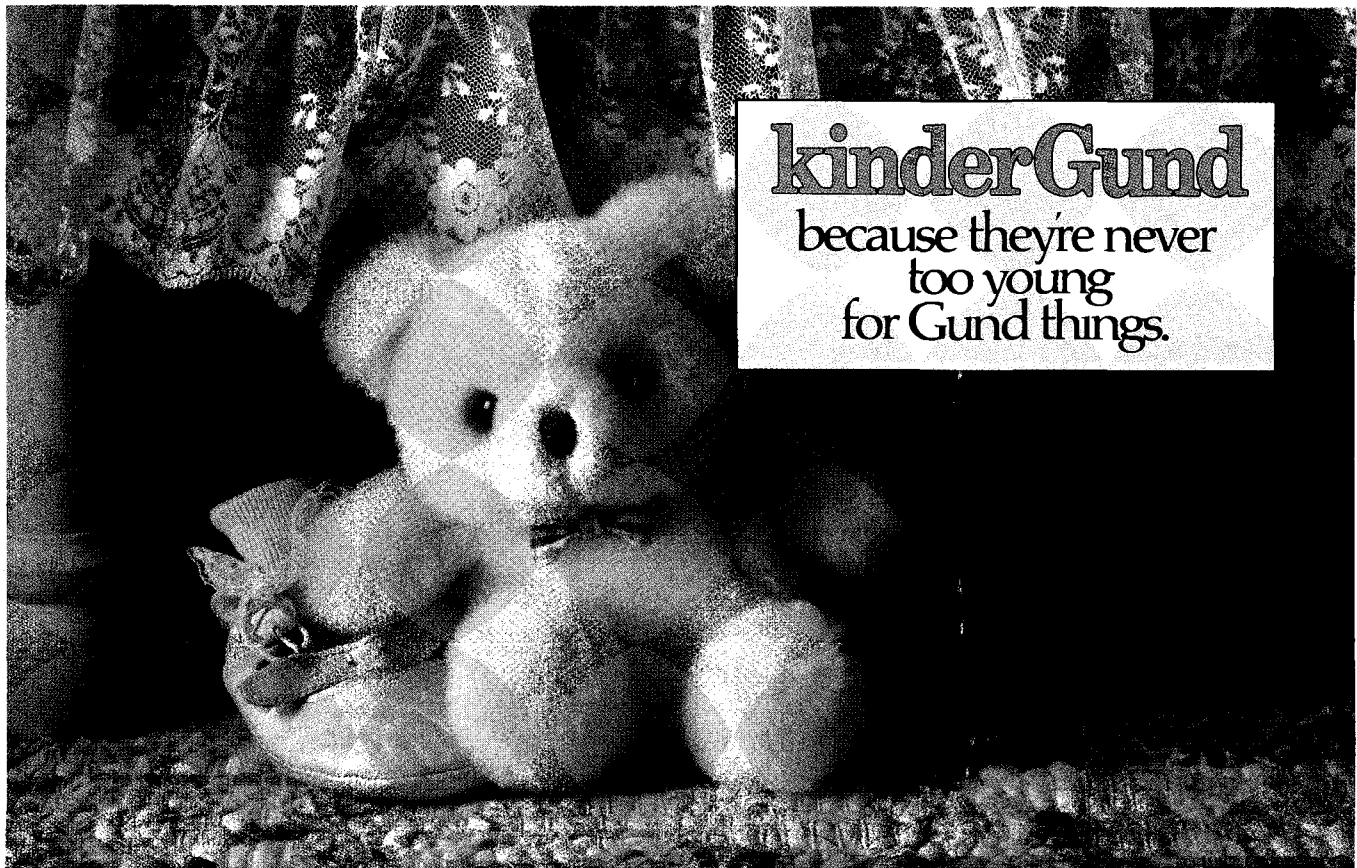
Court it could make more difference on your social agenda in achieving it than twenty years in Congress." The reporter asked, "Do you agree with that?" The President replied, "Yes." In a speech to the Knights of Columbus not long afterward, he made a similar point. He predicted, "In many areas—abortion, crime, pornography, and others—progress will take place when the federal judiciary is made up of judges who believe in law and order and a strict interpretation of the Constitution."

The President's definition strayed from that of Richard Posner, and it had little to do with the canons of restraint established by Frankfurter, Harlan, and others. It also identified the cases in which Rex Lee encountered what he called "enormous pressure" to forsake his commitment to those canons and to the traditional restrained practices of the S.G.'s office, and campaign for the Administration's agenda in the Supreme Court.

This pressure to promote the Reagan agenda came mostly from William Bradford Reynolds, the Assistant Attorney General for Civil Rights. He appeared an unlikely antagonist. Reynolds is an ascetic-looking man,

with thinning blond hair, a well-defined forehead, and rimless glasses that frame his clear gray eyes. A graduate of Yale College and Vanderbilt School of Law, where he was second in his class and editor-in-chief of the *Law Review*, he had practiced law with a conventional Washington firm; though he later played down the overture, his leanings were suggested when he expressed a serious interest—never realized—in running the Anti-trust Division of the Justice Department during the Carter Administration. Reynolds had also worked for three and a half years as an assistant to the Solicitor General during the Nixon Administration.

Reynolds had no special preparation for the post of Assistant Attorney General for Civil Rights. After other candidates for the civil-rights job proved too controversial, Reynolds was named to the position because he had good credentials and the unblemished appeal of a moderate. He secured the appointment by promising to lead the Reagan Administration's attack on school busing and affirmative action, lawyers at the Civil Rights Division believed, but his prior experience gave no hint of his future zeal as a



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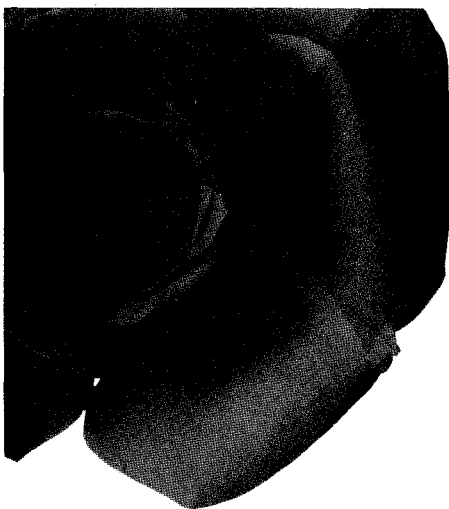
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promoter of the President's agenda.

One lawyer who dealt with Reynolds on behalf of the S.G.'s office, and was sympathetic to his aims, observed, "Brad, whom I like and admire in many ways, is also very fearsome, because he is so rigid. Once he takes a position, he is a bit of a bully and very hard to deal with. He's incredibly willful. Sometimes he's the most charming, delightful, sophisticated person, and then, when he gets into the mode of someone who's got to have his way, he's impossible. He's totally domineering. The most important thing about Brad Reynolds is not to think of him as political. He isn't even an ideologue, though many people think so. In some ways, he's a seventeenth-century lawyer. He gets ideas into his head that this is the way the law is, and then, by God, it's like that. He thinks of the law as a very formal set of syllogisms."

From early in the Administration, in 1981, Reynolds exercised his convictions in a wide range of cases, and he regularly squared off against the S.G.'s office. Reynolds was Edwin Meese's man at the Justice Department in those early years, and the Assistant Attorney General derived considerable authority from the Presidential Counsellor's. Meese himself first caught Ronald Reagan's attention as a deputy district attorney in California in the sixties, when he prosecuted students protesting at Berkeley as part of the free-speech movement. As a D.A., Meese showed little interest in balancing the state's desire for public safety with the rights of individuals, and his views squared with Reagan's. He became legal-affairs secretary to Governor Reagan from 1966 to 1970, and, later, moving with Reagan to the White House, the President's most powerful adviser. Meese repeatedly expressed his legal views in recommendations about public policy. He was instrumental in the Administration's decision to concentrate its law-enforcement efforts on prosecuting criminals rather than vigorously protecting civil rights and liberties. (In a speech to a convention of policemen in California, Meese called the American Civil Liberties Union "a criminals' lobby.") Besides favoring tax exemptions for segregated schools in the Bob Jones case, he called for the abolition of the Legal Services Corporation, which is a nonprofit agency funded by the government to give free legal help to the poor, and, under his stewardship, the government was lax in its

enforcement of environmental, anti-trust, and occupational-health-and-safety laws.

Meese's attitude toward the law was revealed in detail in the report of an independent counsel (formerly known as a special prosecutor) issued in September of 1984, after troublesome questions arose about Meese's personal business affairs. The report dealt with allegations of wrongdoing that led the Senate to postpone for eleven months a vote on Meese's nomination to serve as Attorney General. President Reagan called the three-hundred-and-eighty-five-page report a "vindication;" Meese said he was "very happy" with

it; and his lawyers claimed that the independent counsel exonerated their client when he found "no basis with respect to any of the 11 allegations for the bringing of a prosecution against Mr. Meese for the violation of a federal criminal statute." In reality, while the independent counsel found no basis for prosecuting Meese on most of the eleven charges that had been levelled, in some instances he did find a basis for prosecution but chose not to prosecute. And among the events that the report chronicled, a few had the impact of a hard slap.

Meese received a check made out to him by the Presidential Transition Trust for his "moving expenses" from California not long before he came East to join the Reagan Administration in 1981. He learned from the Justice Department that it was illegal for the trust to pay moving expenses for people taking government jobs, and after he cashed the check he had the record changed so that the check would be passed off as being for a "consulting fee" instead of moving expenses. Then he told the Senate Judiciary Committee that he had paid all the expenses when he and his family moved from California to Washington.

Meese sat on the White House Senior Staff Personnel Committee that approved a job as an Assistant Secretary of Commerce for Thomas Barrack, a real-estate developer who had

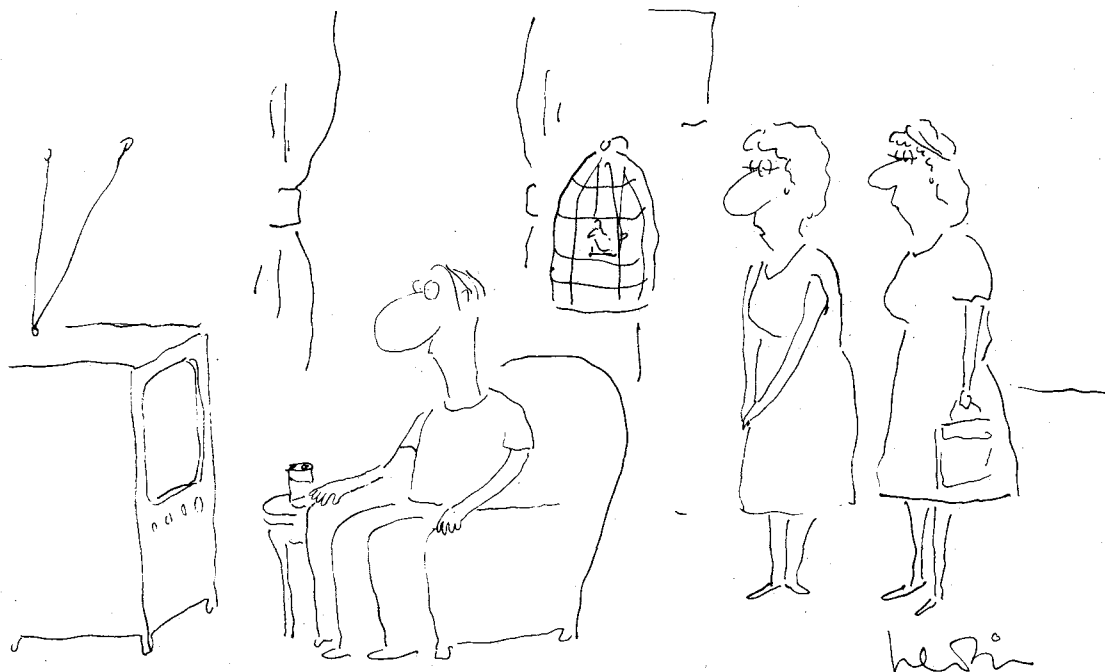
helped Meese sell his house in California. Barrack had used seventy thousand dollars of his own money to cover the down payment for a buyer of the house and thirteen thousand for general expenses. Meese did not tell his colleagues on the committee about this help. Meese also sat on the committee that approved an appointment to the Postal Service Board of Governors for John McKean, who lent Meese sixty thousand dollars, and did not reveal to the committee that McKean lent him the money. And Meese approved government jobs for three officers and a director of the Great American First Savings Bank, in San Diego, from which he had borrowed four hundred and twenty-three thousand dollars to buy the house that he eventually sold in California and, later, to buy a house in Virginia.

As chairman of the citizens' lobby Common Cause, former Solicitor General Archibald Cox wrote, "The Attorney General must symbolize the highest standards of honor, integrity, and freedom from self-interest in the performance of public office," and this was echoed by dozens of editorial pages across the country. In the dealings chronicled by the report of the independent counsel, Cox concluded, Meese showed himself either contemptuous of these standards or oblivious of them. The attitude that Meese displayed in the incidents examined by the independent counsel was to set the

pattern for his dealings as Attorney General.

When lawyers at the Justice Department said they felt pressure from the White House to take a position in a case, they invariably meant pressure from Meese. William Bradford Reynolds was often his agent in these dealings. The most obvious example of the spur that Meese applied to get Reynolds and the Justice Department to take extreme legal positions was in the field of affirmative action. Meese called it a "new version of the Separate but Equal doctrine." Once the challenge of establishing legal equality among people of different races was met by the civil-rights laws of the nineteen-sixties, every President from Lyndon Johnson through Jimmy Carter recognized that legal equality didn't assure equality of opportunity. In executive orders of the President, in statutes passed by Congress, and in decisions of the Supreme Court, each branch of government reached a conclusion stated by Justice Harry Blackmun: "In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently."

With Meese's encouragement, Reynolds proposed that the government follow a different principle: Where individuals prove that they have been victims of discrimination, the wrongs should be righted; the vic-



"Poor Henry—he never returned from the All-Star break."

tims should be made whole, one at a time; whatever the burdens of race handed down from the past to current generations, the Constitution does not allow favoring one race over another, even if the purpose is to help a minority group achieve the same opportunities as others in society. Both Meese and Reynolds disregarded the difference between an action in favor of a minority and one against. And both compared using affirmative action for blacks with using liquor to treat people suffering from alcoholism.

The Reagan Administration's fixed views on affirmative action led to some harsh disagreements between Reynolds and the S.G.'s office. To make sure that his version would be presented in an unmoderated form, Reynolds often chose to quarrel with the Solicitor General about tactics when he had no difference of opinion over the desirable outcome of a case. And in areas of law that were less obviously controversial than affirmative action, similar disputes occurred about ends and means. A fight in 1985 over *Vasquez v. Hillery* is especially instructive concerning the way Reynolds pursued policy at the cost of lawyerly restraint. On the surface, nothing happened. Inside the government, however, dealings between the S.G.'s office and Reynolds over the case became a stressful trial.

The case arose from events that took place in 1962. That year, a black man, Booker T. Hillery, was indicted for murder by a grand jury in Kings County, California. Hillery asked the local court to quash his indictment, on the ground that blacks had been systematically excluded from the grand jury. Even though the judge responsible for empanelling the jury—Judge Meredith Wingrove, who was the only superior court judge in the county—admitted that he had never appointed a black to a grand jury in the six years he had been on the bench, and that in looking for “the better type of our citizens” for the jury he had never found a black “that the court feels would make a proper Grand Juror,” he also said that he had once tried to find a black for a jury but that the number of blacks in Kings County at that time was only around five per cent of its total population.

After the defendant was convicted and sentenced to death, his case took sixteen years—which the defendant spent in prison—to reach a conclusion. In May of 1978, after Hillery's appeals in state court ran out, he filed a petition for habeas corpus in federal

court. (Habeas corpus is a writ used by prisoners who believe they are illegally confined, and often goes to a federal judge with a claim that the prisoner has been wronged in state court.) Hillery claimed that he had been denied equal protection of the law because blacks had been systematically excluded from the Kings County grand jury. Five more years passed, and the court granted Hillery's petition, overturning his twenty-one-year-old conviction for murder. “For over 100 years,” the district court observed, “it has been held that a criminal conviction cannot stand if it is based on an indictment returned by a grand jury from which members of an identifiable group to which [the defendant] belongs have been excluded because of their race.” Among the witnesses heard by the judge was an expert on statistics, who testified that if the grand juries empanelled in Kings County between 1900 and 1962 had been picked by chance the probability that no black would have been included was fifty-seven in one hundred billion. The district-court judge thought that this analysis might be too sweeping, so he narrowed his sights to the by now seven-year period during which Judge Wingrove selected grand juries. The chance that no black would ever be selected was two in a thousand. The Court of Appeals upheld the ruling.

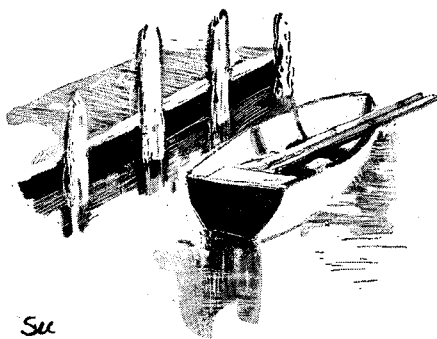
In the Civil Rights Division of the Justice Department, the late Walter Barnett, a career attorney in charge of the appellate section, recommended to Reynolds that the government stay out of the case in the Supreme Court. The main question for the Justices, he wrote in a memorandum in March, 1985, was “whether racial discrimination in state grand jury selection can be challenged on federal habeas corpus where there were no infirmities, in jury selection or otherwise, at the trial.” The Court had considered the same question in 1979, only a few years before, and five of the current Justices, or a majority of the Court,

had accepted the position that the government urged as a friend to the court in that case, which was *Rose v. Mitchell*. Therefore, Barnett argued, “the repetition of our previous argument would be superfluous.” The Criminal Division of the Justice Department, which had the main responsibility for the new case, agreed, because a recent statute called the Jury Selection and Service Act had virtually eliminated the central issue in the Hillery case by outlawing the sort of discrimination now to be reviewed by the Supreme Court. Even if the constitutional basis for the Hillery decision was reversed, the statute left ample ground for similar lawsuits. As a prosecutor, the United States had nothing to gain by taking part in the case.

Reynolds disagreed, and, in his memorandum to the S.G., presented *Vasquez v. Hillery* as a paradigm of the kind of case the Reagan Administration should take a position on in its efforts to cut back on the use of the “dramatically and unduly expanded” doctrine of habeas corpus, preserve the “finality” of state criminal judgments, and limit access to the federal courts. He wrote, “Even if we would otherwise be inclined to stay out of this case, I believe we have a special responsibility to the Court to participate.” The brief filed by the government in the previous case “contained the same fundamental analytical flaws as the decision ultimately rendered,” and the government was “obliged to correct this mistake by now urging the Court to adopt a rational approach to the problem of grand jury discrimination.” He went on, “I do not believe that we properly carry out our responsibilities to either the judicial or executive branch of government by automatically giving preclusive effect to the analysis contained in our earlier filings. *This is particularly true in the civil rights context where, to say the least, we have not slavishly adhered to the constitutional reasoning advanced by prior Administrations.*” (Emphasis added.)

“This is the way this guy thinks with mirrors,” said a lawyer in the S.G.'s office who was familiar with the case. “He takes the standard logic of government lawyers before the Supreme Court and reverses it.”

Joshua Schwartz was the assistant to the S.G. on the case. “While it is undoubtedly necessary and proper for the government to alter its position on important issues of law from time to time in a democratic nation,”



Su

Schwartz conceded in a memo to the S.G., "the Supreme Court's willingness to allow us to do this freely is intimately related to its conviction that we exercise a very high level of self-restraint in our dealings with the Court." He cited a Supreme Court opinion praising this trait of the Solicitor General's, and continued, "The government as a whole accordingly has a vital interest in reserving the kind of change of position that would be involved here for cases in which there are compelling federal governmental interests that must be served and where no other party can be counted upon to make the arguments that we could make. This is not such a case." With a touch of deadpan, he closed, "I think it important to note that the argument on the merits simply isn't as open and shut as the memos from O.L.P."—a division of the Justice Department called the Office of Legal Policy, which concurred with Reynolds—"and Civil Rights suggest. To file a brief supporting the state would be to ask the Court to discard 100 years of precedent regarding practices that have been thought by Justices adhering to a wide variety of viewpoints to impair the integrity of the judicial process. I do not see a sufficient justification for the United States to file such a brief."

The precedent that Schwartz had in mind was an 1880 case in which the Supreme Court had said that deliberate exclusion of blacks from a grand jury "is practically a brand upon them, affixed by the law, an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure to all others." In more than a dozen cases since then, the Justices had rejected the Reynolds notion that a conviction should stand despite racial discrimination in the selection of a grand jury, and Rex Lee agreed with his assistant that the government should not challenge this established line of precedent. Lee couched his judgment in terms that radiated sympathy with the President's agenda. "The most significant issues the Court will consider next term involve some aspect of racial discrimination," he wrote, "and all of these cases are central to the Administration's objectives. The Court is likely to be closely divided on all these issues. In the interest of success in these cases, we must not do anything to imply that we are opposed to elimination of racial discrimi-

nation in jury selection or broader contexts."

Reynolds asked the Attorney General to overrule Lee; but the recently sworn-in Edwin Meese did not. In January of 1986, for a majority of the Supreme Court, Justice Thurgood Marshall wrote an opinion supporting the S.G.'s judgment.

THE fight over *Vasquez v. Hillery* was one of many disputes between Reynolds and the S.G.'s office that stayed private during Rex Lee's tenure, and spared Reynolds the burden of public scrutiny. Though Reynolds regularly put pressure on Lee and the S.G.'s office, the only dispute between the two men to go public was about one of a series of appeals known as the religion cases. These matters ultimately led to Lee's resignation as S.G.

The religion cases took on the urgency of the President's agenda when one of them, *Lynch v. Donnelly*, raised the question whether the City of Pawtucket, Rhode Island, had violated the establishment clause of the First Amendment by sponsoring a nativity scene as part of its annual Christmas display. At Lee's request, Paul Bator took charge of the case. Bator's junior associate was a young lawyer in the S.G.'s office named Michael McConnell, who now teaches at the University of Chicago Law School. Bator and McConnell saw the case as an opportunity to challenge the wisdom of the Supreme Court's three-part test for determining whether government involvement with religion was constitutional. According to *Lemon v. Kurtzman*, decided in 1971, government involvement with religion had to have a secular purpose to be permissible, a primary effect that neither enhanced nor inhibited religion, and no entanglement between the institutions of government and religion. To the lower courts, sponsoring a crèche as part of Pawtucket's Christmas celebration enhanced religion by giving it the city's seal of approval, so it was unconstitutional. To Bator, this was a rigid reading of the First Amendment.

The core of the government's brief was a strongly worded recommendation that the Supreme Court reconsider the *Lemon* test. "We suggest . . . that the three-part test . . . results in analytic overkill when applied to the type of government action under consideration here," it said. Applying it to the annual sponsorship of a crèche by a city "tempts courts to engage in

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hypocrisy," the brief observed, and it continued, "It should not be necessary for a court to assert that the traditional religious references that fill American official life have lost all religious significance in order to uphold them. This Court's sessions are opened by the traditional cry, 'God save the United States and this honorable Court.' Are we to say that the constitutional *validity* of this plea *depends* on it being wholly perfunctory, a piece of meaningless boilerplate?" The crux of the Bator-McConnell idea was accommodation of religion, and accommodation between the conflicting injunctions of the First Amendment's establishment clause ("Congress shall make no law respecting an establishment of religion") and its free-exercise clause ("or prohibiting the free exercise thereof"). They urged that Pawtucket be allowed to include "a small nativity scene as part of an elaborate annual display connected with the celebration of Christmas." To the consternation of old-line civil libertarians, and the satisfaction of the Reagan Administration, the Supreme Court agreed.

Some lawyers in the Justice Department considered the accommodation theory radical, since it rejected the ideal of a separation between church and state endorsed by decades of active Supreme Court precedents. Those lawyers thought that the theory was more useful as a symbol of the Reagan Administration's commitment to promoting religion in American life than as a tool of law, because it appeared to justify almost any government support of religion that stopped short of outright endorsement of a specific sect. The Supreme Court did not use the concept of accommodation. To reach the result favored by the government, it applied the Lemon test.

In any event, the accommodation theory did not represent the most extreme point of view in debate about the subject. An organization called the Center for Judicial Studies gathered some of the more vociferous extremists and published their views in *Benchmark*, the center's bimonthly journal. The masthead of *Benchmark* provided a key to understanding its influence in the eighties. In 1984, the journal's book-review editor was Gary McDowell, who soon took a leave of absence to join the Justice Department and run the staff that drafted the Attorney General's speeches. In 1985, the journal's Supreme Court editor was Bruce Fein, the former Associate

Deputy Attorney General and member of the Bob Jones team. A dozen other editors and contributors either worked for the Reagan Justice Department or, when the Department's point of view was considered too extreme for a government official to present to the public, conveyed its message as friends of the Administration.

The journal and the center were founded by James McClellan, who was a former aide to Senator Jesse Helms, Republican of North Carolina, and a former chief counsel to the Senate Judiciary Committee. McClellan still edits *Benchmark*. According to him, the purpose of the center and the journal was to counter the "liberal" views that prevailed in the American Bar Association and American law schools, and to rein in the "liberal" and "activist" judges who dominated the federal bench. His own writing about the crèche case showed how he planned to do it.

In the Pawtucket brief McClellan found a weak rehearsal of the "confused and inconsistent" ideas of the Justices. He wrote, "Because the Solicitor General's brief did not question any of the Court's prior interpretations of the Establishment Clause, which emerged unscathed to haunt future generations, the Justices were not compelled to reexamine their holdings or defend their position." That McClellan's observations could not merely be written off by his critics became clear when another religion case, *Wallace v. Jaffree*, came along, this time dealing with a primary item on the President's agenda.

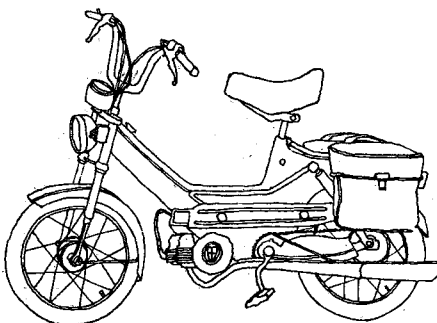
As McClellan told the story of *Wallace v. Jaffree*, which addressed the constitutionality of an Alabama law permitting silent prayer in public schools and raised the question of spoken prayer as well, Judge Brevard Hand (distantly related to Learned), of the Federal District Court in Alabama, had come to "the startling yet compelling conclusion that the Supreme Court had been misinterpreting

the Establishment Clause since 1947." The judge also demonstrated "the unassailable fact that the Framers and backers of the Fourteenth Amendment never intended to apply the Bill of Rights to the States or give Federal courts jurisdiction over disputes between States and their citizens where freedoms in the Bill of Rights were at issue."

Approving Judge Hand's opinion, McClellan treated Hand's conclusions like belated advances in legal reasoning rather than brazen judgments flying in the face of thirty-five years of constitutional law. McClellan did not reveal that it was his research and thinking on which Judge Hand had relied as authority for the assault on Supreme Court doctrine. (A footnote in the judge's opinion expressed "indebtedness" for McClellan's "vision.") McClellan did comment on the background of the basic idea attacked by Hand.

In "A Lawyer Looks at the Constitution," Rex Lee called the First and the Fourteenth Amendments the two amendments most important to the country's fundamental law. Many hold this view. The latter amendment was adopted in the aftermath of the Civil War, and since 1925 the Supreme Court has understood it to mean that a phrase called the due-process clause ("nor shall any State deprive any person of life, liberty, or property, without due process of law") incorporates most of the guarantees of the Bill of Rights and applies them to the states. In the eyes of many historians, this step of incorporation assured that all citizens would benefit from basic protections: against unreasonable searches and seizures by police, against government encroachments on private religious worship, and the like. In McClellan's eyes, however, the Court had used the doctrine "to acquire jurisdiction over civil rights disputes that were originally intended to remain under the exclusive control of the States."

McClellan's ideas became more fashionable than Judge Hand had made them when Bradford Reynolds, too, decided to sponsor them. Paul Bator has recalled, "The prayer story is the most continuous single story involving the tension between the legal and the political, and the complexity that arises from the fact that the S.G.'s office has a relationship with both the Administration and the Court. The first time I heard about the Alabama school-prayer case was when memos



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started floating around as the case was going from the district court to the Court of Appeals. Brevard Hand had issued an extraordinary opinion, saying that the Fourteenth Amendment did not incorporate the First, and therefore the First Amendment does not prohibit a state from establishing a religion, and therefore Alabama is free to allow prayer in schools. A district judge was repudiating Supreme Court precedent! Brad Reynolds and other people in the Administration pressed us to file an amicus brief in the Court of Appeals arguing that Judge Hand had got the thing right. We were being urged to do this because the President had said the same in speeches and otherwise that it was his policy to restore prayer in the public schools. This came into the office very shortly after we had decided to go into the Pawtucket crèche case with my enthusiastic support. I was of the view that our office could be helpful and influential in that case. But when I heard about the prayer case it made me very nervous. We could not do anything but insist on a reversal of Judge Hand. As a lower-court judge, he was bound by Supreme Court precedent. If not, what is the rule of law? The Justice Department cannot encourage lawlessness on the part of lower-court judges, and that's what we were being told to do. The question was a major one during the fifties, when desegregation cases came up and some federal judges refused to enforce the Justices' holding in *Brown v. Board of Education*. The principle that district-court judges must obey the Supreme Court is one that every lawyer ought to be clear on. In the Justice Department, the issue was up for grabs in the Jaffree case, but there was no doubt what the correct opinion should be."

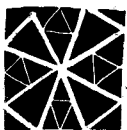
Bator and Rex Lee agreed that the Solicitor General should not file an amicus brief supporting Judge Hand's opinion in the Court of Appeals, and they persuaded Reynolds to back off. When the court overturned Hand, Reynolds again took up the fight. The major issue of dispute between Reynolds and the Solicitor General was the appropriate extent of the government's call for reversal of the Court of Appeals. In a memorandum to Lee, referring to the *Schempp* and *Engel* cases—the Supreme Court's major precedents in this area of law, which outlawed spoken prayer in public schools—Reynolds wrote, "It would be counterproductive for the Government

to argue strenuously for a narrow exception to the *Schempp* and *Engel* doctrine... if, in so doing, we effectively endorsed the existing school prayer precedents." He went on, "Our position in the Supreme Court must be crafted in such a way as to make abundantly clear that we view *Schempp* and *Engel* as wrong and unworthy of respect."

When Rex Lee opposed the Reynolds line, Attorney General William French Smith asked him, "What am I going to tell the White House?" Paul Bator again took charge of the government's brief, and provided the Attorney General with an acceptable explanation to give to Edwin Meese and other Pres-

idential aides. Bator framed the choice differently from the way Reynolds had put it. "The important question was whether we should ask the Court to uphold the part of the Alabama statute that would allow a teacher to recite a verbal prayer, which would have required the Solicitor General to tell the Court that *Schempp* and *Engel* were based on an erroneous principle," Bator recalled. "There's nothing wrong with the government's doing that. The 'independent' judgment of the S.G. at this juncture—that is, our professional judgment—was that going to the Supreme Court on the spoken-prayer issue was a kamikaze mission, that we would not get a single vote on it, that we would receive a stinging rebuff, that it would be unprofessional in a more subtle sense. It would put to the Court an issue for which the intellectual preparation had not been done." Bator continued, "Instead, I believed the S.G. should go in on the silent-prayer issue, and everyone finally agreed. Our view was that it was perfectly legitimate for the government to say that the major precedents did not bar a moment of silent prayer. The theme I wanted to stress was that of tolerance, including tolerance for those who are under a claim of conscience to make religious observance a part of daily life. My thought was that intolerant secularism is as out of harmony with the religion clauses of the Constitution as an official religion would be."

A majority of the Supreme Court treated Bator's thought that a moment of silent prayer could be "an instrument of toleration and pluralism, not of coercion or indoctrination" as a generalization that did not apply to the case. The state senator who sponsored the law permitting silent prayer in



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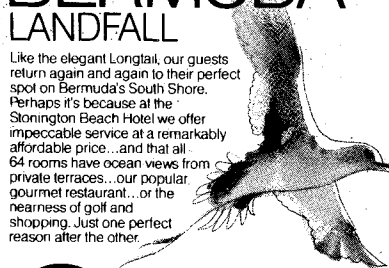
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Alabama had said that he intended to give children the chance to share in the spiritual heritage of their state and country. His purpose was obviously religious, not secular. Writing for a majority of the Justices, John Paul Stevens noted that this purpose conflicted with the "freedom of conscience protected by the First Amendment"—what he called "the right to select any religious faith or none at all." Religious beliefs "worthy of respect," he pointed out, are "the product of free and voluntary choice by the faithful," and "the political interest in forestalling intolerance extends beyond intolerance among Christian sects—or even intolerance among 'religions'—to encompass intolerance of the disbeliever and the uncertain."

Answering the argument favored by Reynolds, Justice Stevens also referred to Judge Hand's "remarkable conclusion that the Federal Constitution imposes no obstacle to Alabama's establishment of a state religion." The Justice went on, "Until the Fourteenth Amendment was added to the Constitution, the First Amendment's restraints on the exercise of federal power simply did not apply to the States. But when the Constitution was amended to prohibit any State from depriving any person of liberty without due process of law, that Amendment imposed the same substantive limitations on the States' power to legislate that the First Amendment had always imposed on the Congress' power." The Justice declared, "This Court has confirmed and endorsed this elementary proposition of law time and time again."

The government's brief drew a compliment in an opinion by Justice Sandra Day O'Connor, who agreed that "moment of silence laws in many States should pass Establishment Clause scrutiny because they do not favor the child who chooses to pray during a moment of silence over the child who chooses to meditate or reflect." But this endorsement did not quiet the noise from the right. In *Benchmark* James McClellan complained about the school-prayer case, "Here was an historic occasion for the Solicitor General to lay the foundation for a conservative constitutional revolution." Instead, the S.G. filed a brief about a moment of silence—"a secondary issue of the case"—and bowed to precedent.

McClellan's comments appeared under the title "A Lawyer Looks at Rex Lee"—a takeoff on the titles of Lee's books. The piece called for Rex Lee's "prompt removal" as Solicitor General, and it was a cutting and inaccurate polemic. McClellan twisted Lee's personal history to improve the sound of the case against him. Soon after Lee's Supreme Court clerkship in the early sixties, for example, Lee had been asked for legal advice by the American Civil Liberties Union. McClellan referred to this as Lee's "A.C.L.U. Connection." He criticized Lee for failing to follow what McClellan said was the example of Robert Jackson, S.G. from 1938 to 1940, claiming that Jackson had been blunt about pointing out the errors of the Supreme Court's ways during the Roosevelt era and in one year had been willing to lose two-thirds of his cases rather than follow mistaken doctrine. On both points, McClellan was telling half-truths. In speeches both before and during his tenure as S.G., Jackson did criticize Court decisions, and in the 1935 term, under Jackson's predecessor, the government lost the lion's share of its cases. But Jackson did not become S.G. until March of 1938, toward the end of the 1937 term and almost a year after the Court had swung in favor of the New Deal. As annual reports of the Justice Department indicate, under Jackson the government's record in the Court was better than at any time in the previous decade.

In the categories of abortion, religion, states' rights, labor law, and the interpretation of statutes, McClellan faulted Lee's management of government litigation in the Supreme Court. This judgment rested on a redefinition of the S.G.'s mandate rather than on a twisting of the facts, though McClellan seemed to do both. He complained that Lee had not urged the Court to overrule "a single prior decision," and had "opposed the idea that his primary

responsibility as Solicitor General was to advocate the Administration's policies, insisting instead that he had an independent relationship with the Court based on trust between the Justices and the Solicitor General's office." McClellan accused Lee of "orthodox liberalism," and of "slavish submission" to prior rulings of the Supreme Court: "Lee has consistently addressed the Court as a dutiful and fawning serf might approach the Czar." McClellan went on, "Lee has, in fact, stoutly resisted not only the so-called social or children's issues, but also basic principles of limited constitutional government and many of the policies of the Administration he was appointed to serve. Upon a close examination of actions taken by Lee before the Supreme Court, we find that he has repeatedly taken positions that are directly at odds with the President's program, and has regularly advanced points of law that are calculated to preserve intact existing case law and the doctrines of the Supreme Court."

To any Court-watchers but those on the Solicitor General's right flank, Lee's opposition to the President's program was news. In an unpublished (1985) essay called "Another Lawyer Looks at Rex E. Lee: A Reply to James McClellan," Richard Wilkins, who had worked as an assistant to Lee in the S.G.'s office and was then an assistant professor of law at Brigham Young University, wrote that the S.G. understood "what some of his conservative critics do not; that is, that the law moves in careful modulations rather than great leaps." He continued, "It has taken a number of years and some patience, but because of Rex Lee's careful persistence and craftsmanlike presentation of the government's position, the Administration's views on a number of important social issues are—for the first time—beginning to bear substantial fruit in the Supreme Court. And when that occurs, Rex Lee is not the only winner. President Reagan wins too."

Lee was caught between an impatient call for change from people like McClellan and his own sense of the limits required by the law's "careful modulations." It was not surprising that his performance drew irreconcilable reviews, as it did in a prominent case about abortion. Instead of being marked by "servile deference to recent judicial precedents," as Mc-

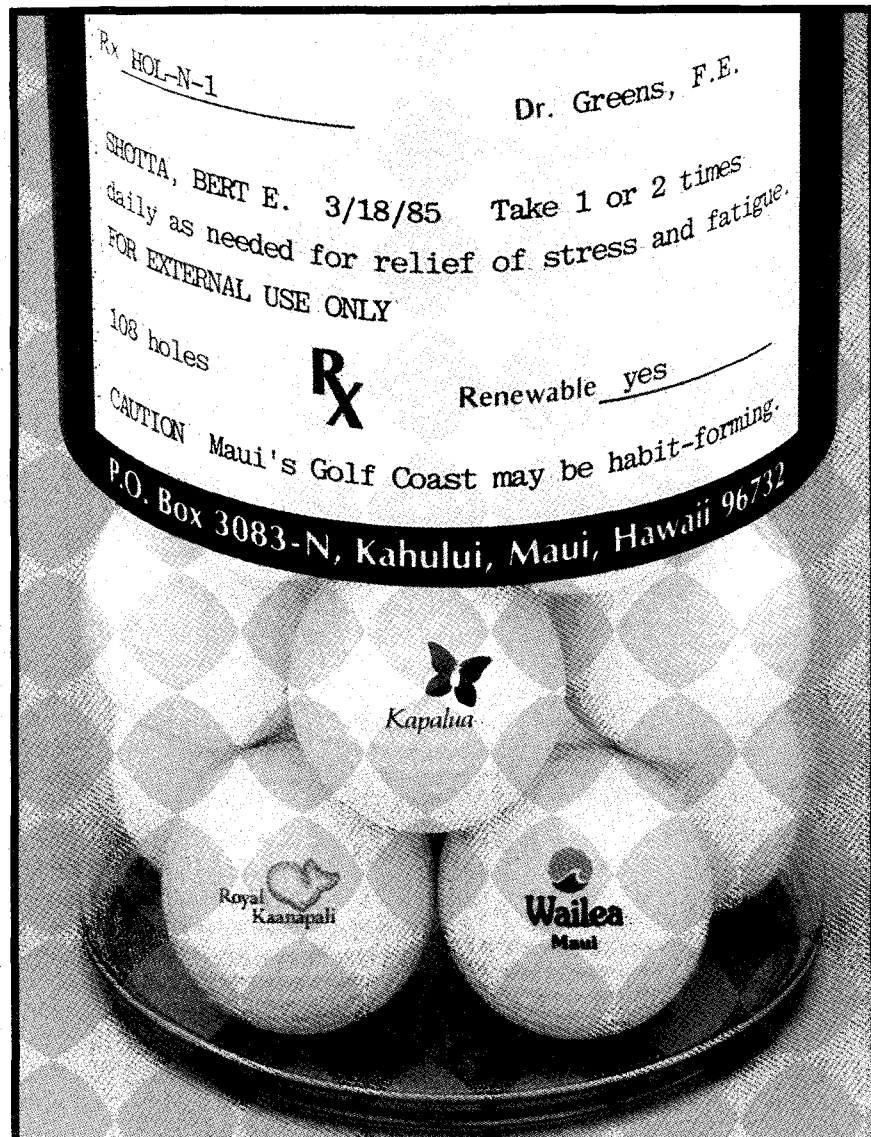


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Clellan contended, Lee's role in 1982 in a pair of abortion suits out of Ohio and Missouri known as the Akron case led some observers to think he had pushed the bounds of government advocacy farther than any S.G. before him. Under the heading "No Friend of the Court," the *Times* ran a lead editorial about his brief: "We trust that the Court, which needs no such lecture, will ignore this political tract, for it is of scant help in deciding the complex cases to be heard in the fall term. The brief is better suited to the partisan purposes of an Administration eager to appease its disgruntled right wing." The editorial went on, "With this brief, Solicitor General Rex Lee has vented his deep personal quarrel with most of the Court's abortion decisions while distorting the function of his respected office."

When Lee argued the case before the Supreme Court, Justice Harry Blackmun, who had written the majority opinion in *Roe v. Wade* nine years before, said he could not understand the government's position. Was the Solicitor General asking the Court to overrule *Roe*? Distinguishing himself from McClellan, Lee replied, "I am not, Mr. Justice Blackmun." Though the S.G. viewed the abortion case as one of the few in which he was willing to risk irritating the Court by promoting the President's policy when restraint told him not to ("There is the point of view that the election results give you the four-year right to drive the engine of government," Lee said about the agenda cases), he stopped short of doing what he considered disrespectful.

Justice Lewis Powell, whose caution and pragmatism made him the Court's leading promoter of traditional judicial restraint, wrote the majority opinion on the abortion case, and he suggested that Lee's amicus brief had still gone too far. Powell lectured about the legal doctrine of *stare decisis*; that is, abiding by precedent. According to the Justice, following a principle laid down in a previous case that is like the current one before the Court "is a doctrine that demands respect in a society governed by the rule of law." Though no precedent is shielded from scrutiny for its continuing vitality in the law, the Justice found "especially compelling reasons for adhering to *stare decisis* in applying the principles of *Roe v. Wade*." The case had been "considered with special care"—it had been argued and then reargued before the Justices were ready to decide it. After



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the 1973 ruling, the Court had "repeatedly and consistently accepted and applied the basic principle that a woman has a fundamental right to make the highly personal choice whether or not to terminate her pregnancy." For a six-to-three majority, Powell reaffirmed a woman's right to abortion.

IN June of 1985, after four years as Solicitor General, Rex Lee resigned. "My wife and I were shopping, and she reached for some English muffins," he said later. "They were the Thomas' brand, and I said to her, 'We can't afford those.' I don't want to dwell on this, but I can't afford to send three kids to college and support four others on a government salary. That's the immediate reason why I'm leaving." He added, "It seems that this is the right time to move on."

Lee also spoke to what most observers of the S.G.'s office believed was the main reason for his departure. The constant hounding from the Reagan right, from critics outside the Administration, like James McClellan, and from lobbyists inside, like Bradford Reynolds and, in effect, Edwin Meese, had driven him from the post he considered the best job for a lawyer in America. "Stare decisis is an important part of American law," Lee said. "I know that. Even though I might have some misgivings about certain precedents, where they are well established and it's obvious the Court isn't going to depart from them, it isn't smart to lecture the Justices about where they went wrong. It accomplishes nothing. I have no qualms about taking a position that might not be immediately persuasive, but which might bear fruit down the road. That's not what we're talking about. If I had done what was urged on me in a lot of cases, I would have lost these cases and the Justices wouldn't have taken me seriously in others. There has been this notion that my job is to press the Administration's policies at every turn and announce true conservative principles through the press of my briefs. It is not. I'm the Solicitor General, not the Pamphleteer General."

By coincidence, the week that Lee resigned the Senate Judiciary Committee opened hearings on the nomination of Bradford Reynolds to serve as Associate Attorney General. They revealed much about the nature of the pressure that Lee had faced as Solicitor General by exposing aspects of Reynolds' atti-

tude toward the law. Incidents recounted to the senators showed him to be a lawyer whose dedication to the Reagan agenda made him headstrong and, often, insensitive about his choice of the means to achieve it. The Judiciary Committee documented the performance of a radical conservative whose impatience for results deafened him to the appeals for craftsmanship made by lawyers in the Civil Rights Division and the S.G.'s office. The senators also heard substantial testimony that went to the issue of character. From a considerable record—the report on the Reynolds hearings filled a thousand and thirty-seven pages—it appeared to some senators that Reynolds pressed to have his way as expeditiously as possible and sometimes overlooked or hid the truth to get it.

A group called the Lawyers' Committee for Civil Rights Under Law submitted to the senators a detailed account of Reynolds' record. The committee was composed of liberals and conservatives, of Democrats, independents, and Republicans, and for the first time in its history it felt compelled to oppose a Presidential nomination. The main author of the committee's report was Thomas Barr, a senior partner in the New York law firm of Cravath, Swaine & Moore and as weighty a figure as the American legal establishment could offer to criticize Reynolds.

Barr wrote that Reynolds' performance on behalf of the Reagan Administration represented "a sharp break with the past." For twenty-four years, under every head of the Civil Rights Division since it was founded, in 1957, the Justice Department had followed a steady, moderate course in enlarging and defending the rights of minorities. Under Reynolds, the Civil Rights Division had abruptly and dramatically "undercut" those rights. "As a result of those policies, the Lawyers' Committee and lawyers affil-

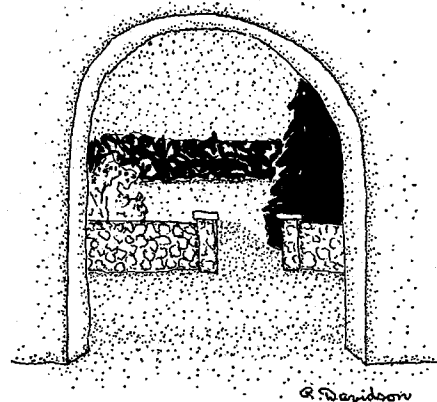
iated with it now find themselves in a novel and regrettable position," Barr stated. "In increasing numbers of civil rights cases throughout the country, where we represent the interests of minorities and women, we are encountering for the first time the fervent and vigorous opposition of the Federal Government."

The Lawyers' Committee divided its conclusions into three parts: areas in which Reynolds had violated the "obligation faithfully to execute the law," by ignoring or overriding "clear and well-established law;" areas in which he had tried to weaken the law in a way that would "impede the progress of minorities toward equality under law;" and areas in which enforcement of the law had been "lax or virtually non-existent."

Barr summed up: "Our concern over the policies of the Civil Rights Division under Mr. Reynolds runs far deeper than any differences of opinion in a few isolated cases; it runs deeper than any simple dispute over Administration policy. The record of the present Administration in civil rights—Mr. Reynolds' record—reflects an abdication of responsibility for the enforcement of civil rights and, even more disturbing, a disregard for the rule of law as it governs those rights."

Operating with a mandate from the President and Edwin Meese, Reynolds had led the Reagan Administration to make obvious changes, in policy as well as law, in the areas of housing, voting rights, the rights of the handicapped, and all other areas for which the Civil Rights Division was responsible. In the eyes of the Lawyers' Committee, the Reagan Justice Department went beyond reversing the practices of previous Administrations. It went beyond favoring whites over minorities whom the civil-rights laws were passed to protect. With Reynolds as the leader of the Civil Rights Division, the Department had turned its back on the judgments of Congress and the Supreme Court about the dictates of the law.

Some of the examples considered during the Senate hearings concerned Reynolds' dealings with the Solicitor General's office. After the Supreme Court ruled in favor of the government's position on layoffs in a well-publicized case known as *Stotts*, for example, Reynolds treated the holding as the deep blow to affirmative action in hiring and promotions that he had wanted the Justices to strike. All the courts of appeals that interpreted the



Court's opinion disagreed, and treated it only as a ruling on the narrow question about layoffs. Reynolds spurned this uniform reading, and sent what became known as "the Stotts letter" to fifty-one state and local governments across the country. Disregarding the government's "legal obligation" to defend lower-court decrees previously worked out by elected officials and judges and signed by the government, he pressed the local governments to effectively end their affirmative-action programs in hiring.

Senator Arlen Specter, Republican of Pennsylvania, asked Reynolds about "what appears to be a pattern of elevating your own legal judgments over the judgments of the courts—stated differently, in disregarding the established law." Referring to Reynolds' refusal to read the Stotts decision as the federal courts had done, Specter said, "We are all obliged to follow the law as it is finally interpreted by the courts."

Specter also rebuked Reynolds for misleading him at a hearing in 1982. The topic had been certain election laws in Burke County, Georgia, which the Supreme Court eventually struck down, on the ground that they discriminated against blacks. Reynolds had told Senator Specter that he would not challenge the laws, because he lacked the resources. A federal statute required the county government to justify those laws when they were challenged, and Reynolds had given Specter the impression that he was sympathetic to the suit that had been brought against the laws. But two months earlier, in a memo to the Solicitor General, Reynolds had taken the opposite position. He had argued that if the government entered the case it should go in against the blacks, on the side of the all-white county government. Despite the specifications of the federal statute, Reynolds would have preferred to shift the burden of proof to the people challenging the changes. Specter learned about what he considered Reynolds' dissembling when the Justice Department complied with the Judiciary Committee's request for documents. He was upset by the news.

"Wasn't your response to me deceptive?" Specter asked.

Reynolds said, "I apologize to you, Senator, for leaving that impression," but he explained that he had not wanted to discuss an internal memo.

"Well, Mr. Reynolds," Specter commented, "I find that hard to accept."

Charles Mathias, Republican of Maryland, who has since retired, also focussed on Reynolds' role in a case involving the Solicitor General. Earlier in the hearings, Reynolds had been asked whether there had been any controversial cases whose result pleased civil-rights groups. (The question was, "Name me a close call where those folks thought, 'Doggone that Bradford Reynolds, he got it right this time.'") Reynolds had answered, "Havens Realty"—a Supreme Court case in which the question was

who had the right to sue a landlord for discrimination. In the past, people known as testers had played a part in suits against housing discrimination. When a black was turned down by a landlord renting a place to live, a white tester with similar credentials would come along to look at the same place. If the white was told he could have it, there was strong proof of discrimination against the black to use in a lawsuit. Blacks sometimes lacked the resources to take on the landlord. Testers representing public-interest groups could sue in their stead and have the same impact. Havens Realty, Reynolds said, where "the Supreme Court accepted our argument is another one that I would say the civil-rights groups ought to be extremely happy with."

In reality, while Rex Lee had urged the Justices to uphold the right of testers to bring suits, Reynolds had opposed that position. "My preference is to stay on the sidelines and quietly watch," he wrote Lee in a lengthy memo telling the S.G. why to leave the case alone. As Mathias put it, "the result really was the opposite of the way you stated." Although the fact had not come out at the original hearing, Reynolds took credit for a victory that the government had had a hand in only after it declined his objection to entering the case.

Assistant Attorney General Reynolds had chosen not to enforce laws with which he disagreed, and he had compounded this show of contempt by trying to alter the spirit of the law where the letter did not explicitly prevent him from doing so. When Senator Dennis DeConcini, Democrat of Arizona, and a member of the Judiciary Committee, explained why he had decided to vote against Reynolds, he said that after considering whether the Assistant Attorney General had "told the truth here" he concluded

that Reynolds had not. Reynolds had a "tendency to uphold the laws and decisions he likes and ignoring or refusing to follow or enforce the ones he doesn't," and "he altered the truth to suit his own purposes."

The Senate Judiciary Committee voted ten to eight against Reynolds' confirmation, with the Republicans Specter and Mathias joining the unanimous Democratic minority. To date, Reynolds' is the only nomination for a Presidential appointment in the executive branch during the Reagan Administration to be voted down by the committee.

When Rex Lee left the Solicitorship, he suggested that the main difference of opinion between him and his critics on the right had been about a matter of degree: how hard a Solicitor should press the Administration's policies. In light of the Reynolds hearings, Lee's idea seemed naive. As a result of Reynolds' attitude, which for want of a better phrase, amounted to disrespect for the law, and his authority within the Reagan Administration, Reynolds had managed to reverse the traditional relationship between the Solicitor General and the other senior political officials in the Justice Department.

"If the independent legal advice of the Solicitor General is to be preserved," the Justice Department's 1977 memorandum about the role of the S.G. had concluded, "it should normally be the Solicitor General who decides when to seek the advice of the Attorney General or the President in a given case." But Reynolds had rarely waited for Rex Lee to call on him for counsel. When Edwin Meese was Counsellor to the President, Reynolds was his point man at the Justice Department, and when Meese became Attorney General, Reynolds became his chief lieutenant; with Meese's backing, Reynolds had lobbied the S.G.'s office as hard as he had campaigned for the Reagan agenda in other forums. When it appeared that career civil-rights lawyers who worked down the hall from the S.G.'s office were undercutting Reynolds by kibitzing on cases that Rex Lee's aides were handling, Reynolds forbade the members of his staff to talk to the Solicitor General's assistants without permission from the front office of the Civil Rights Division. When certain assistants to the S.G. resisted his arguments, he effectively blackballed them from working on civil-rights cases,





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and other, acceptable lawyers in the S.G.'s office were assigned to work on later cases.

It was a steady, driving, effective performance. Dealing with Reynolds, whose radical practices were copiously recorded by the Judiciary Committee, and with senior Justice Department officials for whom Reynolds had established a precedent by lobbying the Solicitor General, Lee was handicapped by the standards of restraint he thought he should maintain. At the end of his tenure, he reported that Reynolds had never bested him in an argument about what side the government should take in a Supreme Court case. But Reynolds prevailed in other ways: he kept the S.G. from entering cases he otherwise would have entered; he changed the terms on which the S.G. presented cases; and he had a major hand in altering the S.G.'s role. Lee tried to fulfill what he called "my obligations to the Court and to my office," but it was inevitable that he would be worn down.

In the spring of 1985, a memo that circulated at the Justice Department explained how the promotion of Reynolds to the third-highest post in the Department was intended to have direct consequences for the S.G.'s office. Since the position was permanently established, in 1977, the Associate Attorney General had been in charge of either criminal or civil matters in the Department. The chain of command had now been revised so that, for the first time since 1870, when the office of the Solicitor General was established, an official besides the Attorney General—in this case, Reynolds—was supposed to have authority to oversee the S.G. The memo confirmed what Reynolds had achieved in his regular sorties against Lee in civil-rights cases and a widening circle of other matters. By 1985, the S.G.'s independence had been officially and markedly cut back. Without becoming Associate Attorney General, William Bradford Reynolds was already a Shadow Solicitor.

—LINCOLN CAPLAN

(This is the first part of a two-part article.)

Brahms wrote the Quintet after a false start with string chamber music some 20 years earlier, and he thought, for no accountable reason, that this work would be his last. Yet the piece is strangely youthful for the 57-year-old composer, with a full, almost orchestral sound that echoes his Fifth Symphony.—Lee Lourdeaux in the Durham (N.C.) Morning Herald.

Known as the "Phantom."

THE THEATRE

Where the Boys Are

IT'S a critical commonplace that "The Two Gentlemen of Verona" isn't really about two gentlemen at all—or that if there are two gentlemen in Shakespeare's play it's anyone's guess who they are. The problem arises because Proteus is such a cad: having left Julia, the girl to whom he has pledged his troth, back home in Verona, he sets about trying to win Silvia from Valentine, whom he has followed to Milan. Not content merely to flirt with his best friend's girl, moreover, Proteus tells Silvia's father about the lovers' planned elopement (an action that results in Valentine's banishment), slanders Valentine to Silvia, and, when he finds Silvia loyal to Valentine, attempts to rape her. Since this pattern of betrayal, deceit, and violence sits well with almost no one's code of honor, it is generally assumed that the part of Proteus is hard to play.

Then, there's the problem of Valentine, who seems like a pretty nice guy through most of the play: *he* speaks nicely of *his* friend—indeed, it is Valentine's affection for Proteus and his having told Silvia all about him and Julia that leads her to rebuff Proteus so strongly. Valentine really seems the image of Shakespeare's "proper man." (He's the sort of guy that outlaws take one look at and then elect as their leader.) All the same, Valentine is awfully quick to forgive Proteus for trying to rape Silvia. He replies to Proteus's apology with the Elizabethan equivalent of "Hey, forget it," and—as a peace offering—pushes her back into his arms.

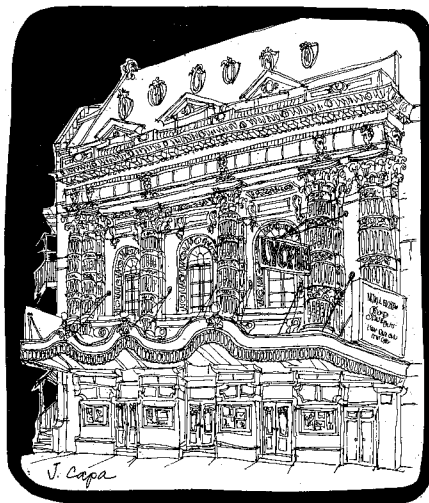
It must be at least partly the strange behavior of its two heroes that has caused "The Two Gentlemen of Verona" to be among Shakespeare's less popular and less frequently produced plays. Scholars and critics have cited its shallowness of theme, loose structure, and lack of plot and characterization as evidence of its author's immaturity. And, truly, the play does consist of a series of incidents with no through-action. More recently, critics have seemed to suggest that the play's through-action takes place on the other side of the footlights—in the audience's gradual discovery of what does and does not befit a gentleman. The play is full of spurious "gentlemen": Julia, who dresses up as a man in order to follow her lover; Thurio,

the boorish knight whom Silvia's father wants her to wed; Sir Eglamour, whose protection she enlists when she goes off in search of Valentine, and who flees at the first sign of trouble. Even Launce, Proteus's servant, is given to favoring his dog with lengthy discourses on deportment. Defenders of the play are fond of pointing out that Launce treats his dog better than Proteus and Valentine treat their sweethearts, and deduce from this that the title must be ironic.

This interpretation makes the play somewhat easier to understand as literature; it does not, however, make it any easier to stage. How do you present to a modern audience a play full of implausibilities and obscure Elizabethan puns? According to Stuart Vaughan, you do it half-spoofingly, with slapstick, spectacle, and lots and lots of business. At any rate, that's the approach Mr. Vaughan has taken in the New York Shakespeare Festival's "Two Gentlemen" in Central Park, and it makes the production fine sport for a summer evening. For the most part, Mr. Vaughan has got around the problem of the play's stickier bits by having the cast play for the broadest possible comedy. Nearly all the characters except Proteus and Valentine have been transformed into figures of fun. Most of the performances consist of various kinds of clowning: from Jerome Dempsey, as Silvia's father, the Duke, we get childlike buffoonery; from Elizabeth McGovern and Deborah Rush, as Julia and Silvia, we get buffoonery that is, respectively, gawky and cute. (Miss McGovern plays shamelessly to the audience all evening long, to very good effect,

while Miss Rush uses her odd, breathy voice to turn Silvia into a Munchkin-like doll.) James Lally's Eglamour, carrying on like a John Cleese centurion, plays silly games with his sword, and Thurio (Richard Ziman) is a character out of Danny Kaye's "The Court Jester." As Valentine's servant, Speed, John Pankow milks laughs by appreciating his own jokes and greeting the jokes of others with a slapstick perplexity, which he shares with the audience. The most impressive performance comes from James Goodwin, as Valentine, and the funniest from Dylan Baker, whose Launce is the best thing to appear on the Delacorte stage since Anthony Heald's Fluellen, in 1984. Mr. Baker and a wonderfully mangy-looking dog named Roxanne steal the show. (It's to the credit of both man and dog that neither ever upstages the other.) The director has interpolated a good deal of silent and not so silent business, most of it pretty zany and involving Thurio, whom Shakespeare has not given us sufficient reason to dislike. There are directorial lapses: a minor character speaks in a Texas accent; another has screaming fits for no reason at all; and occasionally business obscures the point of a scene. In general, though, the production is lively, clever, and pleasant to look at. When the action moves to a forest setting, wood nymphs come tripping out to plant tissue-paper rose trees on the stage floor; when it moves to the Milanese court, waiting gentlemen emerge with paper lanterns strung between ribboned poles. Lindsay Davis has outfitted the cast in vaguely Restoration costumes, and Bob Shaw's summer-green tabernacle set—lighted by Peggy Eisenhauer—is open to the lake.

Three of the principal players in the production seem miscast: Thomas Gibson, who plays Proteus; Miss McGovern; and Miss Rush. The term "miscast" is often used as a kind of euphemism for "giving a bad performance," but that isn't at all how I mean it. No one in the present cast gives a bad performance. But though Mr. Gibson, Miss McGovern, and Miss Rush all speak their lines with sense and understanding, none of them manage to create real characters, whose actions and motivations might be comprehensible to us. Miss McGovern and Miss Rush seem to be playing versions of themselves, and Mr. Gibson seems to be playing no one at all—certainly not Proteus. His manner is far too bright, forthright,



and fun-loving for a character of such duplicity. Which is odd, because Thomas Gibson is a very good actor. At the Ensemble Studio Theatre this summer, he gave a brilliant little performance in Romulus Linney's "April Snow;" indeed, if he had played Proteus with half as much nastiness and brooding complexity as he brought to the tiny part in the Linney play we would have had a very fine Proteus.

That Mr. Gibson does not play Proteus this way is not, I think, his fault, any more than it is Miss McGovern's fault that she is acting almost entirely with her fingers and hands. Nor is it Mr. Vaughan's fault—at any rate, I'm not in a mood to blame him. As a director, he had a great deal to think about. My mind reels when I try to imagine the amount of work and thought that went into this production. It was too much to expect New York actors to know how to create Shakespearean characters. For twenty-five years, the N.Y.S.F. has been producing Shakespeare at the Delacorte Theatre, but it has failed to create or uphold any standard of Shakespearean acting. What we have now is a generation of actors with no idea of what they want to achieve, let alone of how to achieve it—actors who can make us laugh with antics and foolery but when it comes to the realistic representation of Shakespearean action or emotion are completely at a loss. In order to succeed as theatre—as opposed to mere spectacle or entertainment—a play has to be able to convince us, at least intermittently, that what is happening onstage is actually taking place. A production can ham and camp and clown its way through the night, tickling the audience's fancy with irreverence and tomfoolery, and if it has one scene that can make us forget where we are because of something that someone has done or suffered it will have made its mark. The current production never makes its mark as theatre. But it's wonderfully good fun nevertheless.

CHICKLET, the fifteen-year-old girl played by Charles Busch in "Psycho Beach Party," isn't interested in boys—except to the extent that she wants to be one. Well, not to *be* one, exactly; like Sandra Dee in the 1959 movie "Gidget," Chicklet just wants to be one of the guys. The other girls are all off "hunting" men; so, like Gidget, Chicklet worries a bit that there might be something wrong with

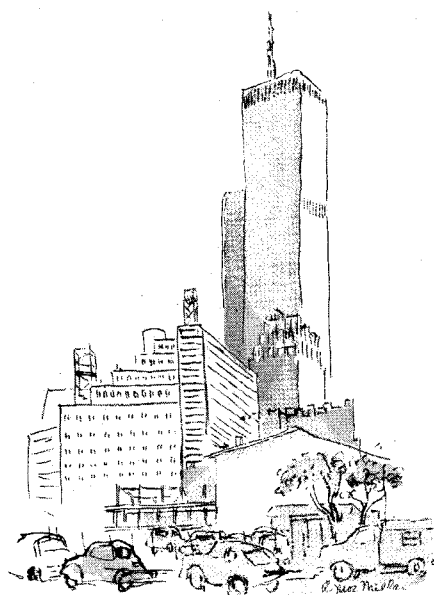
her. Gidget was lucky: she had a wise and omniscient mother to calm her fears and offer assurances about "the right time," "that special someone," and being "ready" for things. Chicklet's mother is more like the mother in Hitchcock's "Marnie." Is it any wonder, then, that Chicklet has a problem with the color red? (Instead of turning her into a kleptomaniac, like Marnie, it brings out her multiple personalities.) Of course, Marnie had Sean Connery to psychoanalyze and save her; all Chicklet has is the boys on the beach: Star Cat, who, like Moondoggie in "Gidget," has dropped out of school, and Kanaka, the surfing king. Moreover, where Kahoonia, the disillusioned Air Force pilot cum surfer played by Cliff Robertson in "Gidget," was too nice a boy to exploit Gidget's innocence (he may have been good for nothing, but, by God, he knew how to treat a virgin), Kanaka is fascinated by the darker side of Chicklet that comes out every so often. Fortunately, what Star Cat has dropped out of is a psychiatric-residency program, so the play can end with breakthrough, transference, and the presentation of a fraternity pin.

If you think the plot of Mr. Busch's new play, at the Players Theatre, sounds stupid and predictable, think again. Not having liked Mr. Busch's earlier "Vampire Lesbians of Sodom," I didn't much want to see "Psycho Beach Party." But "Psycho Beach Party" is funnier than "Vampire Lesbians." It has a certain amount in common with the earlier play: it's directed by Kenneth Elliott, with performances by Arnie Kolodner, Ralph Buckley, Becky London, Theresa

Marlowe, and other members of Mr. Busch's Theatre-in-Limbo. But the acting and direction here are more precisely pitched than they have been in the company's previous work. Moreover, where something like "Vampire Lesbians" is transvestite theatre for its own sake—in order to enjoy it, you have to derive some inherent pleasure or amusement from watching a man dressed up as a woman—"Psycho Beach Party" uses cross-dressing to send up the mores and assumptions of heterosexual behavior (very much like "The Two Gentlemen of Verona," in fact). Most drag theatre is ultimately boring, because the truth it discovers—that women are (1) hateful, or (2) monsters, or (3) really men—is too simplistic to be anything but a falsity. But the underlying joke in "Psycho Beach Party"—that what made all the clean-cut-kid movies of the early sixties so clean-cut was latent homosexuality anyway—is true. That's why it's funny. And "Psycho Beach Party" doesn't really hate women—no more than, say, "Two Gentlemen of Verona" hates men.

In fact, "Psycho Beach Party" bears an interesting relation to the Central Park production of "Two Gentlemen of Verona." Like the Shakespeare, it uses self-conscious silliness and cavorting to entertain us. (The climax of Mr. Busch's play is an all-star limbo number, choreographed by Jeff Veazey.) And it's scarcely more high-minded than Mr. Vaughan's production. But "Psycho Beach Party" is better theatre, in the sense that there are moments when you actually do forget that Charles Busch and Michael Belanger are not women—that's how good the drag element is. If you go to see "Two Gentlemen of Verona" in Central Park, you'll find its transvestite element an embarrassment—a dead theatrical convention that hangs there like a useless limb. If you go to see "Psycho Beach Party" and *then* make your way up to Central Park (and I think everyone should), you may wind up with a better idea of what both plays are about.

—MIMI KRAMER



Lee, who is known as Brewster, graduated from Andover, Yale, and the Cornell Law School and is an associate with the law firm of Choate, Hall, Amersand, and Stewart in Boston.—*Old Lyme (Conn.) Gazette.*

Formerly Choate, Comma, Hall & Stewart.

THE ART WORLD

Lighted by Matisse

THE memory of "Henri Matisse: The Early Years in Nice, 1916-1930," the exhibit at the National Gallery in Washington earlier this year, is particularly intense for me. When I walked through the galleries one morning shortly after the museum opened, the place was already crowded with people who seemed to have a personal stake in the pictures. There was none of that rapid coasting around the room which one so often sees in museums: the quick glance, the momentary pause in front of a canvas, the self-conscious forward tilt, the hurried look at one's watch. People stood a long time in front of the Matisse paintings. Matisse was turning an everyday world—a world of windows, views of the sea, tables and tablecloths, vases with flowers, mirrors, chairs, empty coat hooks, faces—into a new world. For many hours, I forgot that I had gone to the gallery not only to see the pictures but to talk with some people who had a broad understanding of Matisse and his work.

At the time of my visit, Sir Lawrence Gowing, the British art historian, was in residence at the National Gallery as a freewheeling docent, on hand to instruct, inspire, and share his wisdom with research fellows, curators, and others. Sir Lawrence has something of the bearing and appearance one associates with photographs of Auden: an indefinable attachment to and detachment from the world most people inhabit. I met Sir Lawrence at his office in the East Building of the National Gallery—the I. M. Pei trapezoid. He is in his late sixties, and was wearing a black leather jacket and a pair of antique and scuffed-up, mouse-colored tramping shoes. He is admired in the international art world for the generosity with which he shares his knowledge with young people; he was formerly Slade Professor of Fine Art at University College London and director of the Slade School of Fine Art. "I am enjoying my life here at

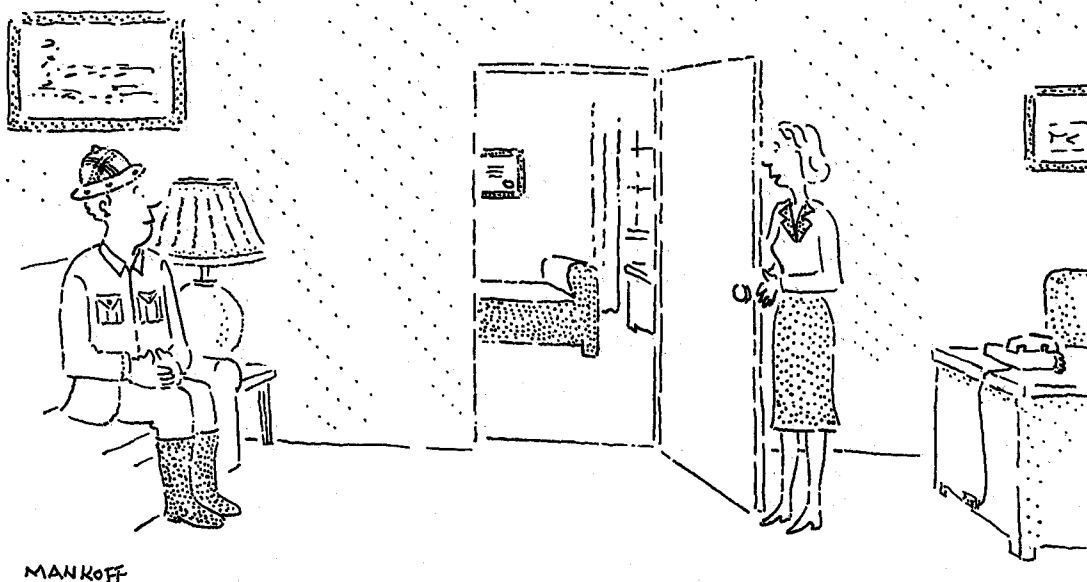
the National Gallery," he said. "I make myself available, try to keep up the morale of the troops. One runs across the most interesting people. I saw Armand Hammer in one of the galleries. I met with him in London a few years back. He was on the phone. Busy, busy. And I heard him say into the machine, 'Am I talking to the Head of State?' I had never before heard anyone say anything like that." My eye was caught by a beautiful oil of the Capitol Building, leaning against Sir Lawrence's desk. "I hope you like it," he said. "I painted it some months ago from this very window. I love to paint, paint as much as I can."

Sir Lawrence settled into a chair opposite me. I said that one could feel the presence of Matisse in the building. He nodded vigorously. "He is alive here," he said. "This exhibit has permanently altered one's knowledge of Matisse. Art historians will never again have the same view of his work. Matisse was a disappointment to many of his contemporaries. There was a general feeling that during this period he was taking a rest, wasn't doing too much. But to understand the man one must realize that he always sought a kind of perfection. If the thing is to be well made, he would say, it must be a total experience. *Radiance* meant everything to him, and in Nice, on most days, he could count on the light. He

was tremendously exigent, immensely demanding, of himself. He was like a German professor. You must also remember that he was a deeply anxious man. Not a bit placid. And extremely self-centered. Matisse was bothered by family life, but he would paint what appeared to be an ideal family—groups around a piano, for instance. But they were not pictures of his family. The children in the pictures were not his children. I would say that he established the permanent validity of painting from life. His relationship to the figure is fascinating. The figure discovers itself to be an integral part of a new context. There is a re-creation—a delicate maltreatment. This in place of functional construction. He certainly knew that he was taking extreme positions in painting, always pushing ahead, always self-demanding."

I said I had noticed, going through the galleries, that he did picture after picture, day after day, of the same model, and that the models in many of the pictures seemed bored and detached.

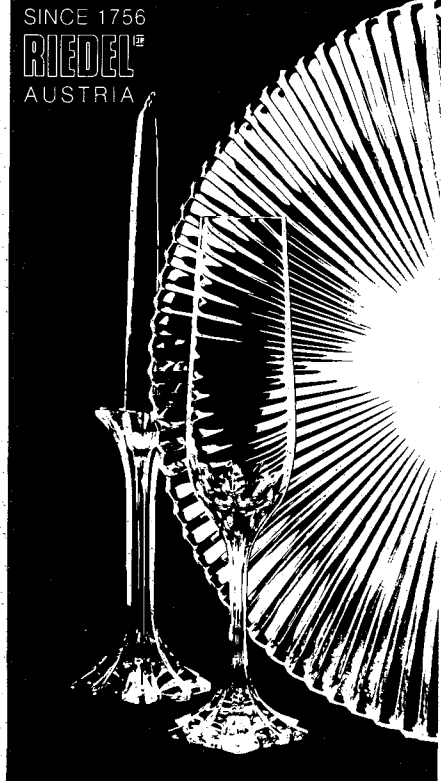
"You must realize that this man—incidentally, I never met him—had a special kind of selfishness," Sir Lawrence said. "He is selfish and possessive. It is there in those paintings of the models who sat in that room overlooking the sea. He was a troubled man. He had difficulties. At one point, he thought of undertaking another occupation. His wife and sons lived apart from him. But he kept going, trying to



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express in some way his disappointment with the twentieth century. I think he disapproved of the twentieth century. Above all, he wanted a totality. I am glad that you like my picture of the Capitol. I did it in the fall. Colors, of course, can light up a room. You can light up a room with a picture of a stove. We all need some visual identity, and I think we all have some history of art inside us. It is there, somewhere. Now, I know, Jack Cowart is expecting you. Let me take you there."

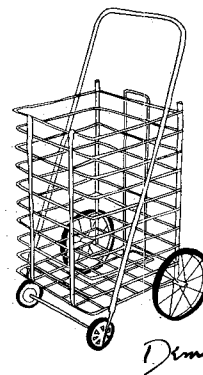
To reach Mr. Cowart's office (he was co-curator of the Matisse exhibit, and is curator of twentieth-century art at the National Gallery), we descended several flights of an angular and somewhat vertiginous staircase. As we walked down, Sir Lawrence kept peering over the stairwell. His expression was that of a man not especially pleased with its dizzying aspects. Mr. Cowart was waiting for me, and Sir Lawrence slipped away.

Jack Cowart is in his forties, an engaging, enthusiastic, articulate man, who has steeped himself in the life and work of Matisse. "I really began to work on this exhibition late in 1983," he said. "My co-curator is Dominique Fourcade, of Paris. He is a formidable figure in the art world, a dear friend, and, like me, somewhat obsessed by Matisse. My dissertation in art history at Johns Hopkins was on the early Matisse, Marquet, and Manguin. I knew a great deal about Matisse as a Fauvist. I also knew a great deal about Matisse's later years, about his paper cutouts and his costume designs. But for some time Carter Brown, the director of the National Gallery, and I had wanted to exhibit this middle period in Matisse's life. Once I got to work with Dominique, we never

seemed to stop. We got in touch with absolutely everybody who had any knowledge of Matisse. We saw some two hundred pictures that are not in the exhibit. Matisse pictures would turn up with wrong titles, wrong dates — everything wrong. There are great gaps in the knowledge of Matisse. We travelled like mad. Fourcade and I would spend two weeks in Paris, then two weeks in Washington, and in the meanwhile we had our private, family lives to contend with. Since we began work on the exhibit, there have been thirteen deaths among our lenders. I

have a huge four-drawer cabinet filled with copies of Matisse paintings. We went to private homes, we went to galleries. Believe me, searching for genius is tough work. We convinced people that we were inspired lunatics. We went through phone books. We checked off every possible institution. We went through the International Directory of Arts. We found photos of a painting that was in Honolulu and that was thought to have been stolen. People said, "These guys are going off the beaten path. Why are they doing this period in Matisse?" We lost one painting we wanted when it was sold at an auction just before our opening."

Mr. Cowart paused for breath. "I had one great advantage," he said. "I had lived in Nice from 1969 to 1971. I truly knew the city. I knew it thoroughly. I knew that Matisse had friends there. I got to Nice as much as possible. I found the places where he had lived, the floors on which he had lived, the layout of the apartments in which he had lived. We were very much in the dark, and I discovered that in many instances I had to determine the answers before we could ask the questions. We didn't even know the names of the models. Who was Lorette? Henriette? LouLou? Once, we found the daughter of a model through a friend of a friend of a friend. I used maps. I talked to members of his family. We developed more information about the Nice period than the family possessed. But directly in the center of all this was Matisse himself, and we didn't have much knowledge of *him*. Here we were tracking down a man of middle age, a man in his fifties, a person who had performed these solitary acts of painting, and we had no way of knowing why he had



removed himself from Paris, why he had gone south, why he was undergoing a profound personal change, why he was constantly reevaluating himself. We did know that the move involved a vital upheaval. I don't know why he moved from Marseilles to Nice. I don't know why he stayed south so long. I don't know why he moved from monumental to portable paintings. In searching for a man's life, one comes up with cliché after cliché. One can say that he needed distance from the First World War. Or that he wished to return to Fauvism. Or that he wanted to get

away from home. Or that he wanted to be alone with his art. One can say this, one can say that. These are all excuses for what was happening with that formidable intelligence, that constant search for wholeness. There was thin painting, there was thick painting. Sometimes, during this period, he was quite awkward. He often fell flat on his face. Always, it seems, he took risks. Always he wanted to *do something with his two hands*. We had twelve galleries and forty-eight walls to fill, and people thought that Dominique and I had become bulldogs, snapping turtles, *cracked*. I was in sneakers and bluejeans all day and all night, and Dominique, who is somewhat formal, took off his suit coat and rolled up his sleeves. We meticulously arranged the paintings, balancing the frames, balancing the varnish. Some rooms went up like a charm. Pfff—up! 'The Plumed Hat,' for instance. A breeze. 'The Piano Player.' Easy!

"One of Matisse's models, Lydia, came in one morning to see the show. There is no picture of her in the exhibit, but in she came. She is a woman of, say, sixty-five or seventy. She called ahead to say she would just drop in, but she stayed and stayed, intently looking at the pictures. She was speechless before them. One could see in her face that she was undergoing a flood of memory, but she was very private, very silent. Pierre Matisse came, and said, 'It is just right for the period.' Other members of the family came, and told us they felt that Matisse was in the room. This was most satisfying, because all we had wanted to do, from the start, was to serve his art. His art is all we are dealing with. I have no Matisse stock. That's not my line of work. We just wanted his art to do the talking. I like to think that if Matisse could see the exhibit he would appreciate it. It was not in his nature to backslap, but I think he would be pleased. I think he might even say, 'You fellows have it almost right. You are closer than others have been.'"

By this time, I felt myself part of the search for Matisse. Leaving Mr. Cowart, I encountered Carter Brown. Matisse was very much on his mind. He did not hide the fact that he had been seriously concerned about the exhibit. "I truly had doubts about the validity of the show," he said. "This was such a neglected period in the life of Matisse. Public taste changes so

rapidly. It is quite overwhelming that more than half a million people have poured in to this exhibit. I, for one, will never get over the changing tastes of the public, the Zeitgeist and its effects. There just is no way of predicting the taste of the public. People have come here from every single state in the union, and from more than fifty foreign countries. One thing about this show has been its attraction for the abstract painters from New York. They have been coming down in

droves! I have been worried since it opened about too many people at any one time in the galleries, the possibility of claustrophobia. So I keep an eye on the speed with which the public enters the galleries. I go down

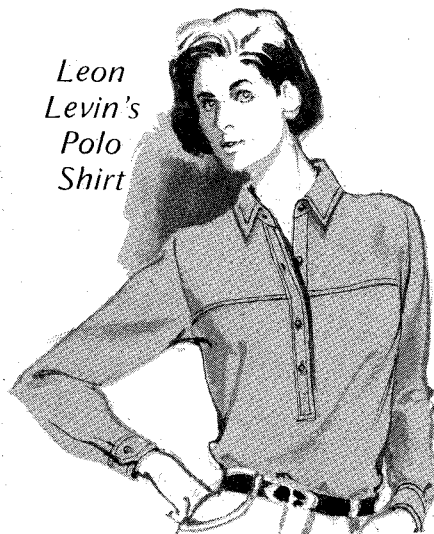
from time to time and check the lines. I'll let you in on a little secret about the National Gallery. Most museums are closed on Mondays, and people think we're closed, but we're not. Mondays are perfect days to visit the National Gallery."

I had a feeling that it was a good time to drop in on John Wilmerding, the deputy director of the gallery. He is someone I always like to see when I am in Washington. I felt that since he had not been directly involved in the exhibit, he might be quite detached about the quest for Matisse. I found him just slightly less engaged than Cowart.

"I can sum it all up in one word: 'color,'" he said. "None of us properly understand the emotional content of color—the way people are intuitively attracted by certain colors to display different characteristics of themselves. This has long fascinated psychologists. In Nice, Matisse delighted in color. That room was sun-filled. He never had to move more than, say, three or four feet to paint hundreds of pictures. For Matisse, the universe became a box with a balcony. Somehow, I often think the balcony was more important to him than the room itself. In a different way, one thinks of Joseph Cornell and his boxes, of Braque and his mandolins. And the sun-filled room really was Matisse himself. In all his searching, he is always coming back to himself."

Mr. Wilmerding moved slowly around his office. "Our love of Matisse is enhanced by this show," he said. "Some pictures are less good than others. What we have on these walls is not an abstract retinal experience. We have a sense of flesh and palpable

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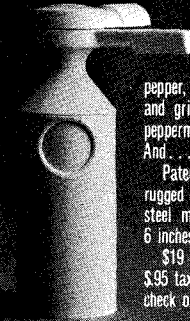
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color. It is a sensual exhibit. Follow it through and it leads to the smell of the bistro. The pictures are tactile. Matisse was observing the sensuality of a plumed hat, the sensuality of a lemon. He found sensuality in everything he painted—in carpets, textiles, tapestries. He scoured Nice for exotic hangings. He haunted flea markets, collected Polynesian and African art. His backgrounds leap from the canvas. There is no self-effacement in these pictures. They represent a sensual, sexual body of work, and in the end they come back to Matisse himself, to the liberation of this private man in art, and what he was working toward. There is restlessness. In many of the pictures one can see that he was on the threshold of repetition. There is ennui on the faces of many of the models. But always he seems to be reaching for the deepest human emotions in color. Most of us repress our color feelings. Life is basically monochrome. For Matisse, even black is turned into a color. Black is no longer suicidal."

SEVERAL weeks after I made my trip to Washington, Dominique Fourcade came through New York and spent a morning with me at my home. He is forty-nine, tall and trim. He, too, of course, was swept up by Matisse. "I am a writer, really, not an art historian," he said. "I write poetry. But I have a passion for Matisse."

When M. Fourcade phoned to say that he was dropping by, I laid in a supply of croissants and some good sweet butter. I offered the croissants to him, and he eagerly accepted them, along with a cup of strong coffee. He was immensely pleased by the croissants. "May I have another?" he said, with great modesty. "You must fly these in from Paris, they are so delicious."

"Pepperidge Farm," I said, speaking the truth, and offered him another.

"Before I say anything about Matisse, I must talk a moment of Sir Lawrence Gowing," he said. "You have met him, no?" I said indeed I had. "I must speak of him glowingly and lovingly," said M. Fourcade. "He is one of the few painters left who still move about the world with packs on their backs, like Cézanne. In his bag are his palette and his brushes and a wooden support, like an easel. This means that when he sees something that attracts him he can stop, look at it, and then look again, and paint.

This is exactly like Cézanne—a wonderful thing for a painter!

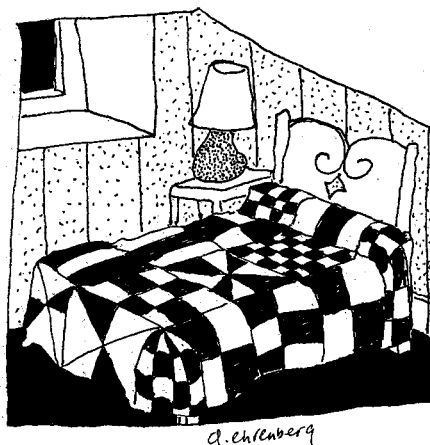
"My passion for Matisse has several roots. In 1970, there was the show by Pierre Schneider at the Grand Palais. I felt that the hanging was somewhat disorderly, but I was completely swept off my feet. I think I was the very first visitor to that show, I went again and again, and I think I was the last visitor. I began to deal with the flesh of Matisse. I knew that little light had been shed on him since Alfred Barr's study in 1951. I tried to understand Matisse's simplification of language, the breathing of color through surface, the simplification of masses of color. I found that I might even be permitted to work my way into the mind of Matisse. I could intrude into the poetry of his thinking. It was a formidable moment. May I have another croissant? You are certain that you do not have these delectables flown in?"

"Have as many as you want," I said. "Supermarket."

"I love New York," M. Fourcade said suddenly. "I first came here when I was thirty-four. New York is vital, audacious; one can improvise. There is excitement. The government does not control your daily life. You do not feel its presence here. One feels the presence of the government in Paris. In America, one is carried away by the sea, so to speak, by the rhythm of the waves, and one can assert one's own vision. Europe is like a pool." No one had spoken in this manner to me about America in some time, and I brought out some marmalade, but M. Fourcade stayed with the sweet butter.

Then he pulled from his pocket a blue packet of Gitanes cigarettes and lighted one. "In modern painting, the anecdote had stopped, the story had stopped," he said. "Now, with Matisse it was possible to express the world through the relationship of objects. Whether it was a flower or the sea or

the spatial face of a model, he was always seeking a better expression. Color would express both form and content. May I say what a joy it was to work with Jack Cowart? We had been together on a show of the Matisse cutouts in 1977. We began to gather photos, archives, catalogues. I myself have more than three thousand items in my office in Paris, on the Rue de La Rochefoucauld. We went into a positive mania. I sent out photos of Matisse paintings all over the world, and said, 'We are looking for these paintings.' Someone would reply, 'Oh, that one, I saw it in Des Moines,' or 'I caught sight of that one in Tokyo in 1926.' A huge undertaking. The whole art world was involved. We went to Grande-Bretagne, we went to small museums, we went to the homes of famous collectors. Usually, with major artists there is a complete list. No such thing with Matisse. One day, I was looking at a Matisse in a collector's home, and, when I turned around, there, on the opposite wall, was another Matisse. Many pictures we simply could not obtain. There are always private owners who will not loan. I understand their position, the reluctance to permit this degree of beauty out of one's home for a period of time. Pictures must be seen in an atmosphere of quiet and dignity. There must be concentration and meditation. We did pull off some coups—obtained four of the Festival of Flowers paintings, and have them all hanging side by side. They have never before been seen together. A triumph! There is a fifth, in Berne, but too fragile to travel. One hopes in a show of this nature for everything but is terrified one will get nothing. We carried the entire show around Europe with us in two huge briefcases—pictures of the pictures. We would spread out our copies in front of potential lenders. This allowed them to understand how seriously we had conceived our enterprise. There were the pictures, on the floors of people's homes! They, too, could see how Matisse's mental itinerary worked. We explained how coherent he was, how methodical. That he was like a man with a camera—front view, then side view. His landscapes were a great surprise to us. We had no notion that he was such an improviser of landscapes. Carter Brown trusted us all the way. Said we should travel where we needed to travel. We checked in with him every three months or so, brought him up to date on our movements."



M. Fourcade snuffed out his Gitane. "When the time came to hang the pictures," he said, "the design people moved in. You are then in a certain amount of trouble. They have different ideas, different notions of juxtaposition. But everything worked splendidly. You must remember that a large show of this kind is a social project, like a drama. There must be compromise, people must work together, they must coöperate. And they did. I learned so much from doing this show. Matisse provided me with the impulse to do my own work. He truly makes me feel like working. The lesson he teaches is that one must follow one's own path. Go your own way, no matter how isolated it may appear to be, no matter how lonely. Inspire yourself. A proverbial man like Matisse gives one strength. I began to feel the strength of Matisse, the strength of other artists. I have a new confidence now that I can possibly transfer some of their syntax into my poetry. Just the other morning, I dropped once again into the Frick. What a museum! I saw Rembrandt's 'The Polish Rider.' I stood transfixed before a Goya. The Bellini stunned me. It has everything. The more intelligent the painter, the sharper one's own vision becomes." His excitement had become contagious. I found myself devouring croissants. "Many people feel that the great—the truly great—artists are too long neglected," he said. "I take another point of view. It hasn't been even a hundred years for the mighty ones to be recognized and cherished. This is nothing in the span of history. Of course, it is frightening that today so many people are so terrified they will miss out on something good that they will accept absolutely anything. Dangerous, dangerous. Art historians are filled with ideas and systems. Beware systems! Systems might kill us! Matisse took me by the hand, enlarged my vision, returned me to fundamentals, deepened my life. And, above all, he made me realize all over again that the first and last reason for what we are doing is beauty, and the joy to be derived from beauty."

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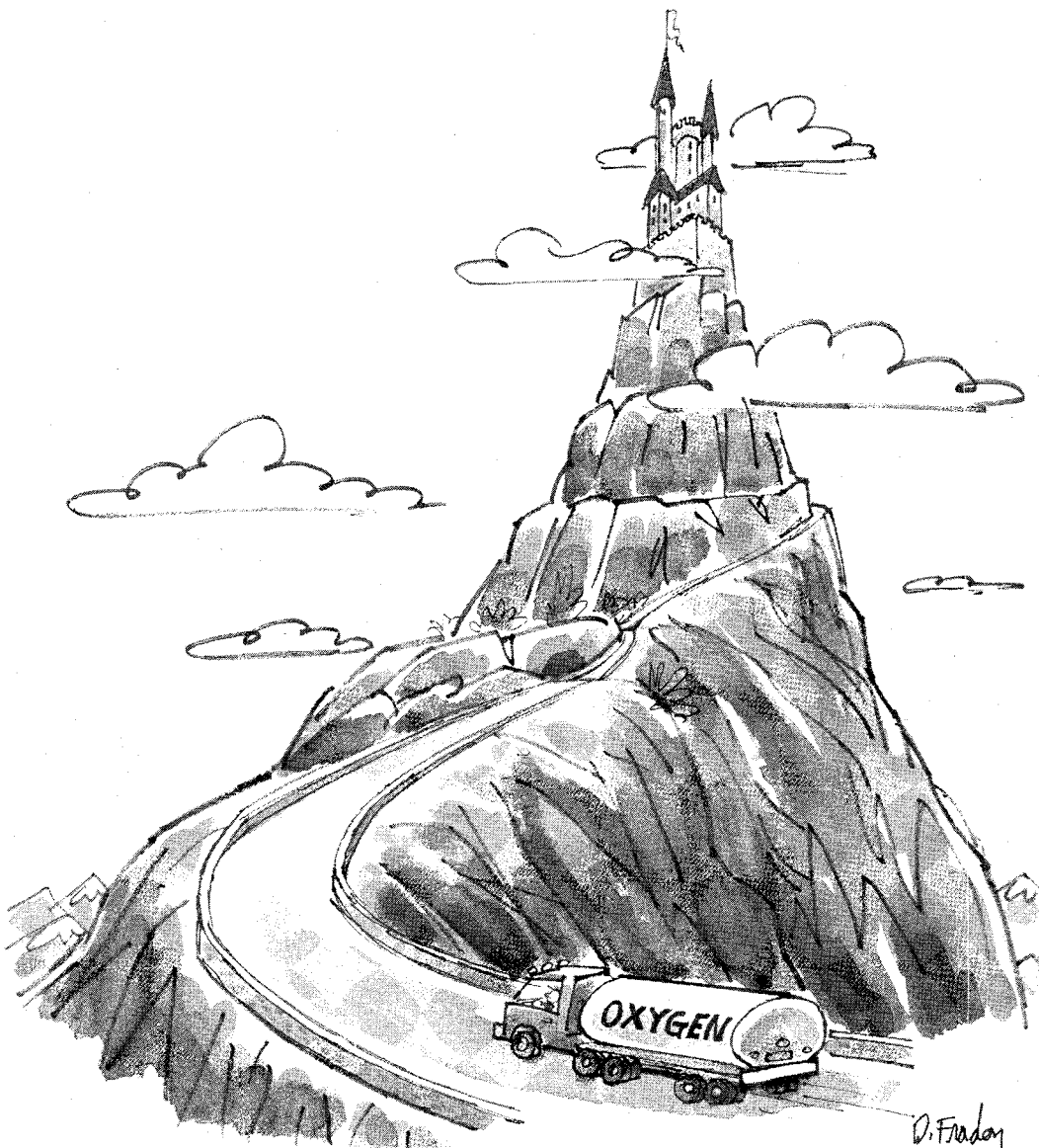
DON GIOVANNI—the most influential of all operas—will be two hundred in October. Last month, PepsiCo Summerfare—the most adventurous and intelligent of America's festivals—staged a new production, directed by Peter Sellars, and around it, in the clustered theatres and halls of the SUNY Purchase Performing Arts Center, where the festival takes place, offered in abundance other Don Juan and Don Giovanni fare, from several countries: plays, movies, concerts, a multimedia “deconstruction.”

New York's Repertorio Español played Tirso de Molina's “El Burlador de Sevilla y Convidado di Piedra,” where Don Juan began: strange that this type figure of Western imagination should first have appeared only in the early seventeenth

century. Don Juan had folklore ancestors, but Tirso, so far as anyone can tell, was the first to marry the two distinct tales that generated him: one of the young man, irresistible to women, who pursues women compulsively, irresponsibly; the other of the man who offends the dead—sometimes a skull, sometimes a statue—and brings down supernatural retribution upon himself. Once created, the character flourished in versions one would call innumerable had they not been numbered in Armand Singer's “The Don Juan Theme, Versions and Criticism: A Bibliography” (1965) and its supplements. The latest supplement to appear (1980) brought the tally of Don Juan versions to two thousand six hundred and five. Many more have been created since then.

A cloud of questions still surrounds

“El Burlador,” which survives in two versions, the other called “Tan Largo Me Lo Fiáis,” or, freely, “The Time of Reckoning Is Far Off”: questions about its authorship (Tirso did not include it in his collected works) and its date (the earliest reference is to a Naples performance in 1625 or 1626; it was published in 1630). More to Mozartians' purpose is the “Convitato di Pietra” ascribed to Giacinto Andrea Cicognini (the librettist of Cavalli's “Giasone” and Cesti's “Orontea”), which is now dated to the early sixteen-thirties. To Tirso's plot it added features taken up in the opera. In the first scene, the woman is now the pursuer, intent on learning her seducer's identity. Anna has a powerful outburst of grief, turning to cries for vengeance, over her father's corpse. The catalogue of conquests makes its first appearance, and the desperate woman to whom Giovanni's servant displays it (while Giovanni slips away) responds in almost the words of Donna Elvira. Giovanni eludes his foes dressed as his servant. There are eating jokes in the supper scene. The Statue orders a defiant Giovanni to repent, with a triple “Pentiti!” (Tirso's Don Juan calls for a priest.) There are verbal parallels close enough to suggest that Lorenzo Da Ponte, Mozart's librettist, owned a copy of Cicognini's “Convitato.” Then, in 1665, Molière, in his “Dom Juan,” introduced Donna Elvira, the deserted, importunate wife, who in the final scene—on her way to a convent—implores Juan to correct his life and save his soul. Gluck and his librettist Gasparo Angiolini in the ballet “Don Juan” (1761) first moved the Commander's death to the opening scene and gave the drama its powerful start. Then Giovanni Bertati skillfully brought together elements of Cicognini, Molière, and Gluck in his libretto for Giuseppe Gazzaniga's “Don Giovanni,” the immediate predecessor of Mozart's opera. (Some of Bertati's scenes are Molière translated.) He added the first episode, the grumbling servant playing



sentinel. He condensed the two dinner parties of the earlier versions—Giovanni the host at one, the Statue at the other—into a single, powerful scene.

Gazzaniga's opera appeared in Venice in February, 1787. Mozart—according to an early version of Da Ponte's memoirs—was initially invited to set the Bertati libretto, which is in one act. He and Da Ponte treated it rather like an expanding table, pulling it open and dropping in many new leaves. The first scenes of their "Don Giovanni," through "Là ci darem," and the closing scenes, from the graveyard encounter with the Statue (but not Anna's "Non mi dir"), are based on Bertati. Everything in between is new invention—without, so far as I have been able to discover, any clear precedents in earlier treatments of the Don Juan matter. (Gluck's ballet, with its central scene of a party interrupted, may have suggested the idea of throwing a party to bring all the cast together in a first-act finale.) Dramaturgically, "Don Giovanni" is more of a new creation than "Le Nozze di Figaro"—further from its sources than "Le Nozze" is from Beaumarchais's "Le Mariage de Figaro."

Does this matter? Not to anyone who believes that all that matters is the work in hand. I tend to agree with Coleridge: "I know nothing that contributes more to a clear insight into the true nature of any literary phenomenon, than the comparison of it with some elder production, the likeness of which is striking, yet only apparent; while the difference is real." (The sentence introduces the pages of the "Biographia Literaria" pondering the sway that Don Juan, despite being "so outrageous a drawcansir," has held over men's minds: "A popularity so extensive, and of a work so grotesque and extravagant, claims and merits philosophical attention and investigation.") No one who has heard or read Gazzaniga's "Don Giovanni" has doubted that Mozart read it. The coincidences—of metrical, rhythmic, melodic, textural, harmonic ideas—are too many to be ascribed to mere "coincidence" or recourse to eighteenth-century operatic stock. The likenesses are striking and apparent, but the difference is real. In every case, Mozart transcends his model and reveals the difference between genius and ability.

We cannot prove that Mozart, rather than Da Ponte, determined the content of the new scenes between the

start and the close of Bertati's drama—thought out the implications of the opening scenes, sustained and developed their characters through to the end, invented all those encounters and confrontations. (In Bertati, Donna Anna disappears after the first scene, and the Masetto figure disappears once Don Giovanni has wooed away his bride.) We can comfortably deduce that Mozart's ideas were determinant, for two reasons: first, the amply documented role that the composer played in the shaping of his "Idomeneo" and "Entführung" librettos, and, second, the fact that Da Ponte's librettos for Gazzaniga, Cimarosa, Salieri, Paisiello, and Martin are so much less penetrating than the three ("Figaro," "Giovanni," and "Cosi") that he wrote for—and with—Mozart.

PETER SELLARS is not an iconoclast—except of what he has called the "big, dull, greasy platitudes" that often pass for opera. (Intelligent people respond to something more inspiring: the Purchase performances were sold out; in the festival buses plying between New York and Purchase one heard people rejoicing that opera could again be something worth attending.) His "Don Giovanni," in a powerful, beautiful set by George Tsypin, fiercely lit by James Ingalls, played in the decaying streets of New York—across mean, difficult linked spaces flanked by a church with a neon cross, a tall tenement, a shuttered deli. An abyss was provided by Con Ed excavations. Inferno was evoked by flashing red lights and trash cans set ablaze. This is something different from the cosmetic refreshment of old operas effected by shifting them from one period setting to another; Jonathan Miller's "Rigoletto," "Mikado," and "Tosca" come to mind. Miller's camp nineteen-twenties "Mikado" for the English National, taken up by Houston and Los Angeles, was "great fun;" Sellars' present-day "Mikado," for the Chicago Lyric, in 1983, was both funnier and more alarming.

And Sellars is not a Young Turk, like the "Don Giovanni" director amusingly and charmingly portrayed in Suzanne Osten's film "The Mozart Brothers" (due for release here in September), who begins by telling his cast that Da Ponte's libretto is garbage and will be ignored. Sellars pays keenest attention to what the characters say and sing, and finds theatrical imagery to express it vividly and precisely. The imagery is not necessarily naturalis-

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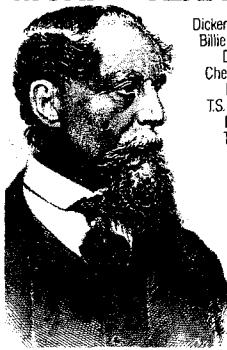
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tic. Not everything fits. There are surface contradictions. (Giovanni tells Masetto's street gang to hunt down a man wearing a large cloak and a hat with white plumes, and with a sword at his side; this Leporello is wearing nothing of the sort. And this Elvira—"arriving pale and haggard from the bus station," in the words of Sellars' synopsis—is certainly not travelling with a maid in attendance, though Giovanni still refers to her.) But opera is not a naturalistic art. In real life, people don't converse, or express their silent thoughts, in song, with an attendant orchestra, and in formal musical structures. Amid so many conventions, it is easy to accept another: that an eighteenth-century text is being sung, in Italian, to eighteenth-century music, in a modern New York setting. One would object only if the imagery were frivolous or false. Erwin Piscator, in his celebrated *Fundamental Principles for the revitalization of classical drama*, damned "gratuitous cleverness" and attempts to court public success by mere novelty. Those charges can't be brought against Sellars. He's wonderfully high-spirited but also the most serious of directors. He is almost a traditionalist in his perception of continuities and recurrences through the centuries. In a program note to "Don Giovanni" he observes that the "portrayal of damned lovers and errant spirits is clearly Dantean," points out "the recurring images of lost souls whirling in confusion," and reveals that Giotto is "one of the most important starting points for our set."

Hermann Abert's long chapter on "Don Giovanni," written for his 1924 revision of Otto Jahn's "Life of Mozart," is still worth reading; it has been published separately, in English, by Eulenburg/Da Capo. (Jahn's own "Giovanni" chapter is worth reading, too.) Abert discusses divergent interpretations of the characters, particularly of Anna. He himself is in no doubt that Anna is "an aristocratic character who, in contrast to Elvira, a woman completely possessed by passion, has all her feelings under control," that she hides no secret, complicated feelings about Giovanni but loves Ottavio sincerely, and with a love "not like that of Elvira or Zerlina . . . based not on sensuality, but on ethical precepts, as indeed is her whole being." And "it is therefore quite wrong to give the part to a dramatic soprano, for Mozart conceived her as a young girl whose strength of character

is tempered with virginal tenderness and modesty." With her, "Mozart introduces a moral law into his drama." I don't share Abert's calm certainty: "All those later interpretations only show the almost unlimited potentialities of the subject; they have nothing to do with Mozart's work." They arise from it. It is the almost unlimited potentialities, the ambiguities, mysteries, and contradictions, the mingling of playfulness and passions, the wrenches caused by handling tragic matter within a comic-opera structure which keep "Don Giovanni" ever alive, ever surprising. Walter Felsenstein, Peter Hall, and Peter Sellars have staged, Fritz Busch and Furtwängler have conducted very different versions of the opera. There were aspects of the Purchase "Don Giovanni" that were perplexing and—as tragedy must be—painful. The reading of the title role was stranger, sadder, less energetic than any I've encountered or contemplated before.

MOZART's first Giovanni, Luigi Bassi, was just twenty-one, and his first Anna, Teresa Saporiti, twenty-four. (She lived to be a hundred and five; Verdi knew her.) Sellars' cast was somewhat older, but still younger than that of most "Don Giovanni" performances. The Anna, Leporello, and Masetto/Commendatore (one singer played both parts, as in Mozart's own Prague and Vienna productions)—Ana Gloria Vazquez, Elmore James, and Jose Garcia—were heard earlier this season as the Countess, Figaro, and Bartolo in the Juilliard "Figaro;" the Ottavio, John Daniecki, was a Juilliard Albert Herring. Lorraine Hunt was Elvira, Janet Brown was Zerlina, and Kurt Ollmann was Don Giovanni. In the Osten movie, after a rehearsal the Anna's singing teacher can contain herself no longer and sets about the director with her umbrella: how can her star pupil sing beautifully, with poised, shining tones and immaculate coloratura, if she's at the same time sprawling about on the floor? Miss Vazquez's singing teacher may have felt much the same. One has heard "Don Giovanni" more beautifully sung than it was at Purchase. Miss Hunt would surely sing "Mi tradi" more purely and accurately if she were not at the same time literally, acrobatically, rolling through its long loops of melody. Sellars aims at compounding vocal and visual expressivity, and the result is exciting. In some episodes, it

might be even more so if in the compound expressive vocalism were allowed a slightly larger share. But maybe not: Sellars is a director one can trust to inspire the best from his performers, and to judge carefully what in each of them should be stressed, what sacrificed. I mustn't give the impression that "Don Giovanni" was badly sung. This was an able cast. Miss Hunt's lustrous timbre and phrasing went to the heart. Miss Brown's "Vedrai, carino" was exquisite. Mr. Ollmann's Serenade—murmured in a dream of ecstasy and torment—was melting. His lyrical baritone contrasted well with Mr. James' forthright bass. Mr. Garcia was fine. But the performance was exceptional—electrifying—not for the singing but for the way that everything about it conspired. Craig Smith's conducting left me with the usual mixed feelings, however: dominantly, admiration for the insight he brings to a score and its meanings, but admiration tempered at times by a regret that the actual execution is less precise and athletic than the thinking behind it.

Things went more surely, musically, at the fourth of the eight performances than they had on the first night. In his note Mr. Sellars remarks that the opera "is much too big for any of us mortals," that the production "is the fruit of specific circumstances," and that he and his collaborators "are wrestling with the piece, and no doubt will continue to revise as we go along." Last year's "Così Fan Tutte" was revived this year, for three performances—revived and revised, brought into still sharper focus. It was a breathtaking emotional adventure.

—ANDREW PORTER

WORDS OF ONE SYLLABLE DEPT.

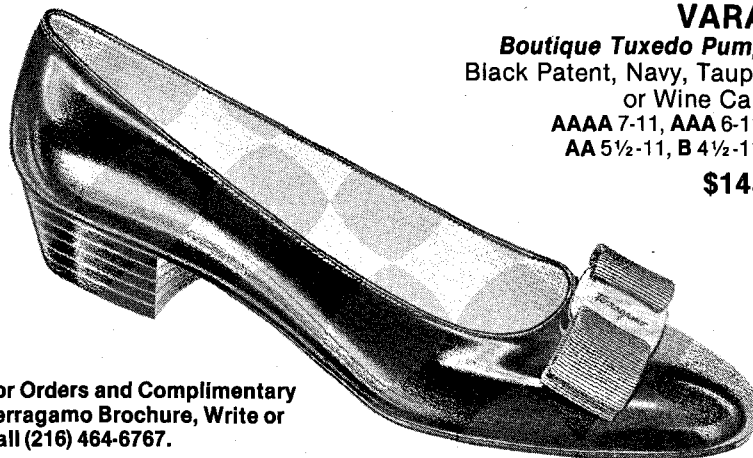
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THE CURRENT CINEMA

Siblings and Cyborgs

"GOOD MORNING, BABYLON," the first film made in English by the Taviani brothers, seems to shed its humor as it goes along. It's amiable at the start, when it shows us the exalted ideas of themselves that Italian workmen have. Two teenagers (Vincent Spano and Joaquim de Almeida), the youngest of seven boys in a family of Tuscan plasterers and masons, are the favorite sons of their patriarchal father (Omero Antonutti) and think no harm can befall them. They're happily at work restoring the façade of a Romanesque church, but when that job is finished the family business collapses, and these two bumbling innocents, told by their father to remain equal always, go off to seek their fortune in the New World. The period is the years before the First World War, and there's a charming, folklorish shot of the boys' first sight of the lights of New York through a porthole: they see the city as a Christmas tree. Eventually, they find jobs as plasterers in San Francisco, working on the Italian Pavilion of the 1915 Panama-Pacific Exposition, and then in Hollywood, working for D. W. Griffith (Charles Dance), building the elephants—which are poised on their back legs—for the vast Babylonian set of "Intolerance." But the Tavianis' movie has gone down in defeat long before the immigrant brothers are hired by Griffith. It takes them too dismally long to get to the West Coast: the film slumps into masochism during their hardships in this country, when they work at bizarre, humiliating jobs along the way, like tending pigs in the Grand Canyon. (What are they doing there? What are the pigs doing there?) And even after they reach L.A. and meet the people associated with Griffith they seem pitiable, and it takes forever (and more humiliation) before the great man gives them the nod.

The L.A. scenes are meant to be an affectionate tribute to early moviemaking, yet they don't show much respect for the facts. The two girls that the brothers marry (Greta Scacchi, Desiree Becker) are extras who get jobs dancing a modified hoochy-koochy at Belshazzar's court; this is an insult to Griffith, who used dance as part of the

lyric, flowing strength of his conception, and to the dancers in "Intolerance," who were specially trained by Ruth St. Denis and Ted Shawn. (Most of them were from the Denishawn troupe.) And though Griffith was meticulous in his use of dyes and beams of color, when we're shown the premiere of "Intolerance," in 1916, it's in black-and-white. It's understandable that the Tavianis couldn't afford a set with the depth or dimensions of the one that Griffith built, but surely they could have done better by the elephants, which are a key



element in their story. These elephants look as if a not too talented child had carved them. (Was the intention, perhaps, to turn film history into a child's fable?) The sum total of the early-moviemaking scenes isn't so much a desecration as an embarrassment. The Tavianis try for a fanciful, naïve tone and almost always miss, though there's a lovely pictorial effect when the two boys court their girls by handing them fireflies, and another when they're in charge of the panels releasing sunshine onto a set and they flood the girls in light. The score, by Nicola Piovani, adds to the poetic texture of moments like these.

The film goes completely to hell in its sections about sibling rivalry. When a movie is about two brothers who work together in pictures, and is made by a team of brothers, you expect some linkage. But you don't expect the sudden, jarring craziness you get here, when the Spano character's wife dies in childbirth and, the parity of the brothers' relationship being destroyed, he is enraged, irrationally blames his brother for his loss, and goes off to fight in the war. The two meet again, one in the Italian Army, the other in the American Army, on a battlefield near the church we saw them repairing. This piling up of coincidences is probably meant to suggest the story-book symmetry of movie plots, but it just feels silly.

The reduced scale of the Babylonian set makes it obvious that the Tavianis' huge undertaking was undercapitalized, and the fact that L.A. was recreated in Italy and the Grand Canyon sequence shot in Spain doesn't help. The Tavianis' not speaking English

is certainly a factor in their misjudging their effects; they were hampered, too, by the international cast, with actors playing Americans who aren't remotely American. But maybe the whole idea was at fault. (It came from an American, Lloyd Fonvielle; was turned into a script by the Tavianis, assisted by Tonino Guerra; and was then translated into English.) It sounded wonderful to me when I first heard about it: the Tavianis were going to make a movie about two Italian brothers who go to Hollywood and work on the construction of the Babylonian set for "Intolerance." My eagerness was tempered when I heard that the two boys came from a long line of builders who worked on churches. One of the most tiresome myths about movies is the identification of movie crews with the "anonymous artisans" who labored on the great cathedrals. Ingmar Bergman is responsible for giving it intellectual respectability, and all over the world moviemakers who battle for credits love this phony view of themselves. (They may seem to be saying something modest and self-deprecating, but if you listen closely they're claiming for movies the status of enduring works of art and spiritual monuments, and they're claiming for themselves the highest and most dedicated functions.)

This democratic sentimentalization of moviemaking—as if the replaceable plasterers made the same contribution as the irreplaceable writers and directors—is at the center of "Good Morning, Babylon." The two artisans express their pride in their heritage, shouting to the Hollywood paper pushers, "We are the sons of the sons of the sons of Michelangelo and Leonardo! Whose sons are you?" This may be meant to be funny—meant to parody the boys' passionate, Italianate self-regard. But it's a singularly infelicitous challenge, since Michelangelo and Leonardo were both homosexual and are not known to have fathered children. More to the point, it confuses craft and art. The idea of "Good Morning, Babylon" probably appealed to the Tavianis because, as the major artists they showed themselves to be in "Padre Padrone," "The Night of the Shooting Stars," and parts of "Kaos"—artists who are also idealistic egalitarians—they could use it as an opportunity to try to reconcile art and Marxism. They sought to demonstrate that the magic of movies comes out of

teamwork. The whole film is like a speech a director might make to his crew or a coach to his team: it seems to be saying that movie magic and team spirit are the same thing.

There's a little bit of truth in this, and the Tavianis toy with this truth, romanticize it, try to give it some iconic substance. They have Griffith explain to the boys' father, who has come over for their double wedding, that their work in movies is part of the same collective dream that built the cathedrals, and that movie work is done in the spirit of anonymity. All this makes "Good Morning, Babylon" somewhat repugnant: the celebration of moviemaking and team spirit makes your tongue feel coated. In the middle of the piousness, there's the towering, autocratic figure of D. W. Griffith to give it all the lie. And, from the shifting tone of the film, it appears that the Tavianis know that what they're saying is absurd. But they hope their storybook maneuvers will whirl us past the absurdity and make us feel that at some deeper level it's all true because it should be, the same way New York should be a Christmas tree. It has probably occurred to the Tavianis that at times they themselves are bumbling innocents.

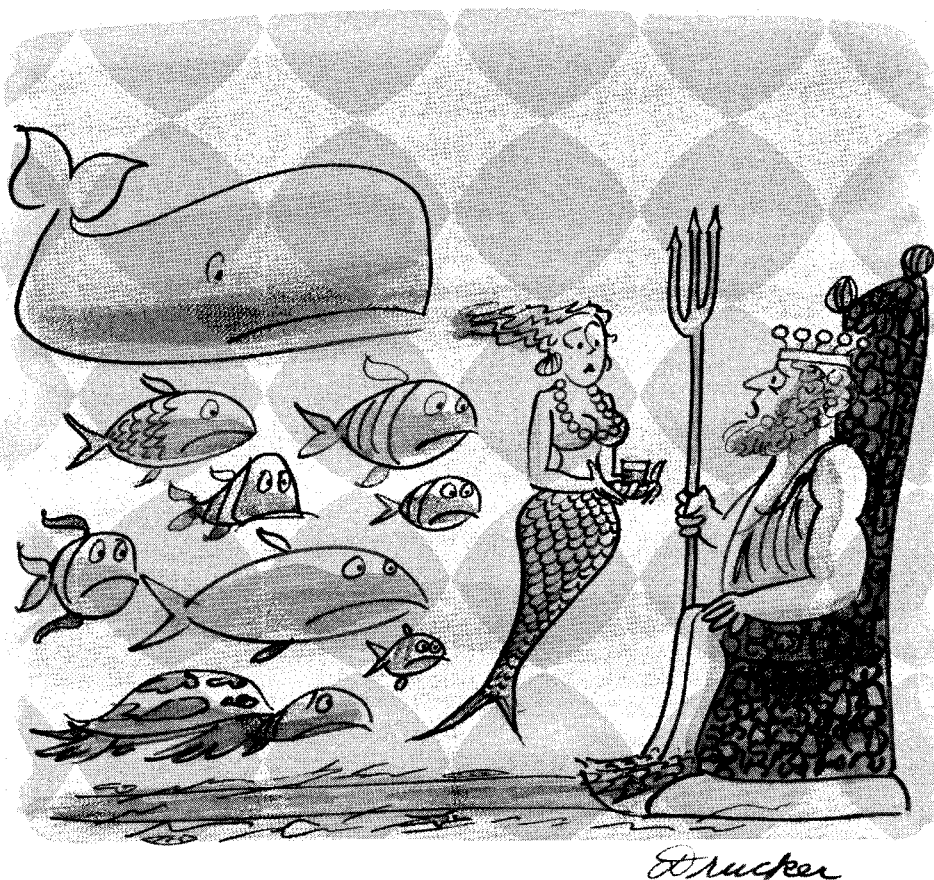
"LA BAMBA" is the life story of the Chicano rock 'n' roller Ritchie Valens (Lou Diamond Phillips), who had three hit records before he died at seventeen in a plane crash, in 1959. But the writer-director Luis Valdez (who also made "Zoot Suit") isn't primarily concerned with Ritchie Valens as the bullet of talent he must have been. The film's Ritchie has no special drive. Phillips is playing a Latino version of the boy next door; he's warm and friendly and rather simple. Valdez's aim seems to have been to create a positive image, and to transmit the message that you can have dreams even if you're Hispanic, live in a migrant camp, and pick fruit. But movies have a way of cutting through high-mindedness: Ritchie Valens' music, as it's performed by the group Los Lobos, with David Hidalgo singing for Phillips, is what carries the movie along. And, even with the music, this is a feeble, lachrymose piece of filmmaking. Phillips has nothing to play but dewiness, while a fiery, hammy actor, Esai Morales, plays Ritchie's tormented, bad-boy half brother, Bob. The director overworks the torment: whenever Ritchie is praised, Bob's eyes

flash, signalling his jealousy and his misery. Bob keeps having snits and tizzies, but the innocent Ritchie doesn't seem to notice that he's the cause. It isn't until late in the film that he asks Bob, "What's your problem, man?" By then, you want to hide your face.

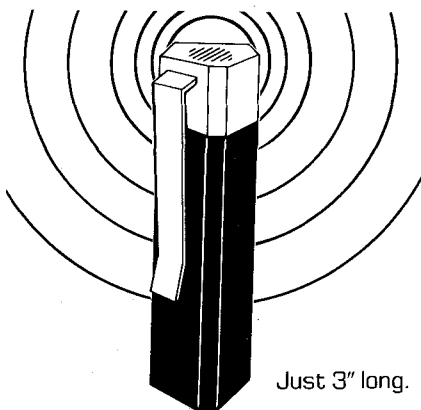
No doubt many people are susceptible to the film's mythmaking; you can hear their enthusiastic weeping in the theatre. Others will find that except for the score the pleasures the movie provides are almost all incidental. As Bob's young wife, who can't stand his constant demands for sex, Elizabeth Peña has only a few lines (and those are stale), but when she whacks at Bob the stud or pushes him away, or just looks at him with disgust, you want to applaud her. And several of the singers who play singers are jovial and assured: Stephen Lee is the Big Bopper (who was killed in the crash along with Ritchie and Buddy Holly); Brian Setzer is Eddie Cochran and sings "Summertime Blues;" the terrific Howard Huntsberry is Jackie Wilson. They have a sensual, rhythmic ease that livens up the picture; they move like performers who are used to holding an audience. That's also the case

when we see Los Lobos as a band in a Tijuana café—when Ritchie gets his first look at Mexico. But these moments only make us more aware that Lou Diamond Phillips is just gesticulating when he pretends to be singing in front of a crowd. Jessica Lange gave herself over to Patsy Cline's happy, rowdy belting in "Sweet Dreams": her strong body and Cline's exultant voice became one. And she was a hot creation. But Phillips is an inexperienced actor going through the motions of being the young fireball who was one of the innovators of Latino rock. A teen-age performer with Ritchie Valens' energy would have been powerfully attractive, but you don't feel any heat from Phillips—just likability.

Valdez has made the kind of sincere, leaden movie that can be acclaimed as the story of a Chicano boy asserting his heritage. Or it can be acclaimed as the story of a poor Chicano succeeding in America by ambition and hard work, and rising to the top of the charts. Valdez appears to be saying both; it's a very affirmative movie. Ritchie's brother takes him down to Tijuana to be deflowered, but he's more interested in the band than in the



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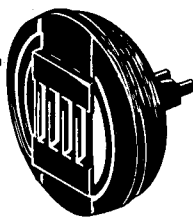
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girls—he responds to the risqué folk song “La Bamba” that the band is playing. Once home, Ritchie adapts it to a rock beat, and learns it in Spanish, which he doesn’t speak. In “The Jazz Singer,” back in the twenties, the hero had a conflict between his cantor father’s religious music and the black man’s jazz he loved to sing. But Ritchie has no conflict: he likes the song “La Bamba,” he sings it and records it, and everybody’s delighted. Basically, this Ritchie is the best-adjusted kid you’ve ever seen—except for the bad dreams he has about an air collision that took place above his elementary school.

Implicitly, Valdez appeals to your good will: he’s making a film about poor, hardworking people who love their families. So a lot of people are disposed to accept his ineptness and shamelessness. He throws in mystical portents (a winged tattoo, a Thunderbird) and everything from Ritchie’s having premonitions of planes falling to the two brothers’ having an encounter with a Mexican sage—ancient, of course—who feeds them a snake and mutters words of wisdom. Valdez has this seer give Ritchie a good-luck charm, which he wears around his neck until Bob, who is fighting with him, breaks it off—just before the fatal plane trip. The movie may be about roots; it’s definitely about hocus-pocus.

Ritchie does experience prejudice: the Waspy car-salesman father of the blond schoolmate he falls for—Donna, who has Mamie Eisenhower bangs—is hostile to him. But this isn’t the kind of movie that asks why he’s drawn to this Waspy blonde. His attraction to her comes across as his aspiring to American niceness; the Ritchie of this movie seems Waspier than anybody else. He’s an imitator of Elvis, but he’s such a good boy that he takes all the sexual aggression out of rock. The way Valdez shapes the movie, Bob is the sinner and Ritchie is the virginal schoolboy saint, crooning his song “Donna” to his unattainable sweetheart. He can be the pride of the Latino community (and still be innocuous enough to be liked by the larger public). The picture is a hangover from the fifties: he’s a credit to his ethnic group.

WHEN the sounds of “RoboCop” came at me, amid the yells of the boiling-over audience, I attributed the bludgeoning line readings to the fact that the Dutch director, Paul

Verhoeven (“Soldier of Orange,” “The 4th Man”), doesn’t have a particularly subtle ear for English. But something bigger may be involved: maybe, working with only a rudimentary knowledge of the language, he embraced a mass-audience obviousness that he couldn’t—or wouldn’t—have settled for in a culture where he knew the nuances. In interviews, Verhoeven has spoken of wanting to make an American movie, and his idea of what’s American turns out to be a punk sci-fi revenge fantasy that gets people in the audience so worked up they shriek louder than they did for Charles Bronson or Clint Eastwood. The thing that’s distinctive about “RoboCop” is that its gloomy, frightening vision of the future is played for depravity, for kicks. Set in a Detroit of cloud-topped skyscrapers and a decaying older part of the city where rapists and vandals run wild and every day is open season on cops, the movie is shot in a deliberate sicko-sleazo comic-book style. (Body parts are treated as if they were auto-body parts.) Essentially, it’s just a hipper, more bam-bam version of the law-and-order action hits of the seventies. The ads feature the enthusiastic quote “A stainless steel unstoppable Clint Eastwood.”

At first, the hero is Murphy (Peter Weller), a dedicated young cop employed by the all-powerful conglomerate OmniConsumer Products—OCP—which has a contract with the city to operate the Police Department. When Murphy is blown apart by a gang of scummy sadists, OCP’s scientists use his remains as part of a cyborg—an experimental model for a new kind of organic, automated cop that requires food but is virtually indestructible and is programmed to keep order. Part man, part tank, this virtuous knight in heavy metal clumps through the picture. What gives viewers a rooting interest is the spark inside this prototype. Murphy had a woman-cop partner (Nancy Allen) when the hoods used him for target practice, and she recognizes him in his new, armored form; she talks to him as if he were still a person—still Murphy—and he responds. Despite RoboCop’s metal plating and his circuitry, some human memory remains: he has dreams in which he reexperiences his death, and he goes out to get the giggling coke freaks who killed him.

Nancy Allen’s short, efficient-cop haircut makes her look a bit apple-cheeked, but she has a great, wobbly

un, and she's a quiet blessing here. She has the right soft tones to give the movie a little differentiation; it makes sense that she would get through to RoboCop's human memory. And he rediscovers his humanity in the nick of time. (You can get tired waiting for him to show something besides armor.) Weller's delicate-boned face is wan in the early scenes, and during the middle section he is steel-hooded. But then his face is revealed again: his skin is stretched back and his features are sunk in a big, no-neck face that's attached to coils of metal brains. This face seems tense, pained, ethereal. It has the imaginative beauty that stirs audiences at classic horror films. And, on a simpler level, Weller and Allen suggest a rapport without overdoing it; their chumminess is the only relaxed, pleasant touch in the movie.

In general, "RoboCop," which was written by Edward Neumeier and Michael Miner, is a compendium of gimmickry from "The Golem," "Frankenstein," "Death Wish," "Westworld," "Superman," "Rambo," "Mad Max," "The Terminator," "Blade Runner," "A Clockwork Orange," "Escape from New York," "Streets of Fire," and dozens of other sources. What gives it its box-office cachet is its romantic plot device (man's soul survives death) and its kinky, leering tone. The picture keeps telling you that its brutishness is a terrific turn-on, and maybe it is if you're hooked on Wagnerian sci-fi comic books. (The movie company has already spawned a Marvel version of "RoboCop.") But if you're not you may keep flinching at the clumsy, heavy-metal vigilantism, as RoboCop dispatches one lowlifer after another. Some directors can make the distasteful witty; they can be nastily decadent, as Verhoeven was in "The 4th Man." But here, working in English, he doesn't have the timing or the spirit for that. This isn't gallows humor—it's just gallows pulp. When a huge, lumbering pre-cyborg robot is being tested and goes on the fritz, it does just what you expect. And even when a scene has some fast, quirky tracking or when it employs a flashy effect, Verhoeven's directing goes clump, clump.

In this near future (the nineteen-nineties, say), the TV news is delivered by trashy, gossipy anchorpersons (brunet male, blond female), and it comes in three-minute "Media Breaks" that interrupt a sitcom (or maybe it's a commercial; you can't tell the difference anymore). The news

reports are gleefully cartoonish about nuclear threats and a space-weapons disaster, but there's no vision behind the film's two-bit nihilism. We're told that OCP has a contract to run the police. A contract with whom? Clearly, OCP (an anagram of "cop") is the city's only government. After sketching this society, with its sleek corporate wealth and its pervasive rot—the corruption is at the top, among the aging Yuppie executives, as well as at the bottom—the picture goes for a pseudo happy ending, brought about by the chief executive officer of OCP, who's a fine, socially responsible fellow. He's at the helm of a viciously corrupt totalitarian society, yet he isn't drawn satirically, as a front for the guys who run the whole works. He's the real thing: white-haired Daddy-God. This stuff is being called satire. That's a glorification of comic books, which may have a sharper reputation than they deserve.

There are a few neat ironies surrounding the picture. The film's Detroit of the future is actually Dallas, with the help of some matte paintings. (The added skyscrapers look like robot buildings.) This Detroit's creepy section, where RoboCop and the woman cop hole up, and where one of the psycho villains is splattered by toxic waste (we see him in various stages of meltdown), is a rusted abandoned steel mill outside Pittsburgh. In interviews, Verhoeven, who had a failure with the 1985 English-language film "Flesh & Blood," has been explaining that "RoboCop" deals with "a very Christian thing," that it's "about a philosophical situation: death and resurrection." Of course—the resurrection of his career. He's come back as a man without sensibility, RoboDirector.

—PAULINE KAEI

Barnes is a writer. There's no born with a religious sense into deliberations, Jean thinks, "It of place. Sentence after sentence question of that. Like Flaubert, a world where belief was no was said that one of the worst cries out for isolation. In the he painstakingly sculpts his longer possible. Was it an equal tragedies of the spirit was to be midst of one of her tragedy to sentences. No word seems out be born without a religious sense into a world where belief was possible?" Try getting through that without stopping to think for a while.

—Chicago Tribune.

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BOOKS

Goody Sergeant; the Powerful Katrinka; K.S.W.

THOSE of us who knew Katharine Sergeant White only relatively late in her life learn a lot from "Onward and Upward: A Biography of Katharine S. White," by Linda H. Davis (Harper & Row; \$22.50). We learn that, as a young lady from Brookline attending Miss Winsor's School in Boston, she was known as Goody Sergeant: an old classmate informed Miss Davis, "We called her Goody Sergeant behind her back, shortening it to Little Goody or simply Goody, because she was the goodest and the brightest in the class." We learn that her first husband, the lawyer Ernest Angell, would sometimes call her, after she went to work for *The New Yorker* in 1925, Katrinka, referring to the comic-strip character the Powerful Katrinka—Miss Davis reveals her own youth in supplying a footnote explaining Fontaine Fox's "Toonerville Folks," as if few remain to remember that jaunty single-panel cartoon, with its rickety trolley car and highly comical figure of a super-strong woman. The nickname was bestowed, the biographer conjectures, with "perhaps some underlying resentment," and indeed each partner of the impressive couple, in fourteen years of wedlock, had acquired reason to regard the other with mixed emotions. Divorce in 1929 was followed later that year by Katharine's marriage to E. B. White, and it was her second married name, with its forceful initials K.S.W. (attached to notes and memos in a hand of singular clarity and erectness), that she carried through most of her more than thirty-five years as an editor with this magazine.

To say that she took to her editorial work here like a duck to water would be an understatement, since heaven provides water whereas she to a marked degree had to create the element she prospered in. The magazine was six months old, predominately humorous in content and masculine in personnel, and financially faltering when she was hired by its editor and founder, Harold Ross, as a first reader of manuscripts. Both she and he were thirty-two years old. Her two marriages to gifted and complex men come in for a good deal of scrutiny in "Onward and Upward," but no less interesting, with its own veil of impenetrable privacy, was her professional

matrimony with Harold Ross, a man as superficially coarse and bumptious as she was refined and dignified. It would appear that he needed her—her fierce Bryn Mawr education, her aristocratic sureness of taste, her instinctive courage and integrity—and she needed him; his almost inchoate energy and perfectionism created, in this fledgling weekly, an arena where, more than in any home, she felt important and active, useful and well-compensated. She was hired for part-time work at twenty-five dollars a week; and within two weeks she was working full time at twice the salary. Women made Ross uncomfortable, and she would say that she "never felt any attraction to Ross as a male. In fact I couldn't see how anybody could bear to be married to him, but we were fond of each other and had complete faith in each other. When he died I felt I had lost my best friend." Mrs. White told her husband's biographer, Scott Elledge, "Ross was furious that I was a woman but he soon came to depend on me and accept me." James Thurber, in his fanciful memoir, "The Years with Ross," has the awed Ross say, of the then Mrs. Angell, "She knows the Bible, and literature, and foreign languages, and she has taste." It was she who persuaded Ross to publish not just light verse but poetry, and, though she disavowed it, she is generally given credit for pushing the fiction in the direction of greater seriousness and scope. Not only was her advice sought on every kind of editorial question, but Raoul Fleischmann, *The New Yorker's* owner, thanked her for helping form policy on advertising:

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E. B. White thought that his wife and Ross "met at one point (they both thought the same things were funny)." Another point, surely, was the ethical ardor they both brought, from such different backgrounds and temperaments, to the business of getting out a weekly magazine.

Her determination to have a career was unusual but long-held: "I can hardly remember a time in my childhood, absurd a child as I must sound to admit it, when my plans for myself 'grown-up' did not include both marriage and a definite career." She wrote this in an essay of 1926, "Home and Office," addressing feminist issues that, sixty years later, are more alive than ever. "If honest, I must admit to a distinct personal ambition that is thwarted and an underlying cause for unhappiness when I cannot do the work of mind, not hands, for which I am best fitted." Katharine was the youngest of three daughters born to Charles Spencer Sergeant, the son of a grain merchant from Northampton, Massachusetts, and Elizabeth (Bessie) Blake Shepley Sergeant, from Naples, Maine. The Sergeant side, especially, held a number of educated and independent-minded women; four of Charles Sergeant's five sisters remained single, and two became teachers following their graduation from Smith. As she approached the age of seventy, Katharine saluted, in one of her gardening essays, "my New England aunts . . . who cultivated their own gardens, and who had strong opinions on Rights for Women." On her mother's side, there was the redoubtable Aunt Poo, an artist who, at the age of fifty-one, married a thirty-year-old Japanese, Hyozo Omori, and, after his untimely death, lived in Japan, translating Lady Murasaki and performing so heroically in the earthquake of 1922 that she was awarded the Order of the Rising Sun. Katharine's older sister Elsie became a writer, and an uneasy rivalry between the two lasted until Elsie's death in 1965. Katharine followed her to Bryn



Mawr, whose president, Martha Carey Thomas, the second woman in the world to receive a doctorate of philosophy (she had to go to Zurich to get it), urged a life of "intellectual renunciation" upon her students, and supervised a rigorous, classical education as free as possible from male distraction: "It is undesirable to have the problems of love and marriage presented for decision to a young girl during the four years when she ought to devote her energies to profiting by the only systematic intellectual training she is likely to receive during her life." Even if she were so ill-advised as to marry, the Bryn Mawr graduate should ideally be "both economically and psychologically independent" from her husband.

Some other factors possibly contributed to Katharine Sergeant's habit of independence and personal achievement. No brother was present in the Sergeant household, to hand the girls a second fiddle. Bosomy, unambitious Bessie Sergeant died, of a maltreated appendicitis, when her youngest daughter was only six, so that Charles Sergeant thenceforth raised the girls in company with his sister, Aunt Crully, an eloquent Smith graduate and former headmistress. Katharine went off to Miss Winsor's seventh grade well read and instructed, if (Miss Davis suggests) insufficiently cuddled. Also, early in her marriage to Ernest Angell, when their infant daughter was not quite a year old, he enlisted in the Army and was not discharged until twenty-two months later—"Your grandfather was overseas longer than almost anybody I knew," Katharine would write to her granddaughter Callie Angell, with a rhythm as of relived pain. He came back decorated, debauched ("Soldiers who went to France, as your grandfather Angell did," Katharine wrote to Callie, "came back with the French idea that a wife and a mistress was the way to live"), and determined to leave Cleveland, where he had been raised and had joined his father's law firm. They came to New York, which suited his wife fine. In most of the years before she was hired by Ross, she had managed to find jobs, paid or volunteer—interviewing patients at Massachusetts General Hospital, conducting a door-to-door survey of handicapped people in Cleveland, lobbying for worker-protection laws, reading to children at Boston's Children's Hospital (this medical emphasis was perhaps related to her mother's pain-

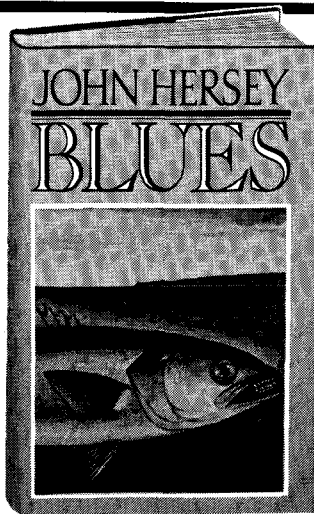


"Let's see, now, that's cappuccino, cappuccino, cappuccino, and cappuccino—right?"

ful and needless early death and certainly to her own notorious and uninhibited lifelong fascination with matters of health), raising money for Bryn Mawr, writing articles for *The New Republic* when she accompanied Ernest to Hispaniola, running errands for a decorator friend in Sneden's Landing. She was a doer. While in Nevada for three months, to obtain her divorce, she got involved in ranch life and roundups to the extent of getting kicked by a horse—"a distinction," she wrote to E. B. White, "of which I'm a trifle vain."

By the terms of the agreement, custody was joint. Nancy Angell, twelve, and Roger, nine, were to spend weekdays with their father and weekends, holidays, and summer vacations with

their mother. Since she had a full-time job and the divorce, however provoked, was her desire, and since no account implies that Ernest Angell was anything less than a loving father, this might seem a civilized and enlightened arrangement; but, Miss Davis tells us, without any corroborating quotation, "Katharine suffered terrible guilt feelings about the custody arrangement the rest of her life." This is but one of numerous places where the biographer, with surprising sharpness, ascribes guilt feelings to her subject or in her own voice criticizes her. Katharine was extravagant, she insists: she employed too many servants, refused to do housework and was "nearly incapable in the kitchen," bought the best for herself in clothes,



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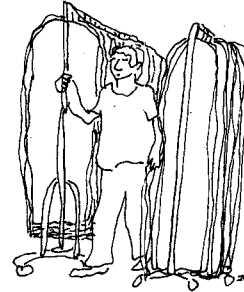
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and took the "opulent" Twentieth-Century Limited to Reno, where she stayed in "the town's new luxury hotel" and "put up at a ranch, the costlier way to wait out a divorce." As a person, we are told, she was unconfiding, hypochondriacal, relatively insensitive "to human needs and complexities," sometimes brusque and formidable, and work-centered. She trysted with E. B. White in Saint-Tropez and Corsica while still married to Ernest Angell, yet "always vigorously denied that Andy had had anything to do with the break-up of her marriage" and "was never comfortable... with the circumstances of her divorce." Well, we want at times to ask, so what? Nothing is obtained for nothing, and if her passionate involvement with *The New Yorker* sometimes detracted from her domestic



performance, we can scarcely be as shocked as seems Miss Davis, who in the course of writing this biography herself married and bore two children and was perhaps exceptionally sensitive to familial responsibilities. If Katharine Sergeant had heeded Carey Thomas's Amazonian advice, she wouldn't have married at all; when she confided to a classmate that she was engaged, her fellow Bryn Mawr tyer spontaneously exclaimed, "Oh, Katharine, how perfectly awful!"

In fact, what emerges from "Onward and Upward," and from E. B. White's passing sketches of his wife in "One Man's Meat" and elsewhere, and from the overflowing letters of K.S.W.'s later years, and from the memories of most who knew her even slightly, is how much warmth she did convey, above and beyond as well as within her editorial duties. Her good humor and resilience were as conspicuous as her dignity and (when provoked) hauteur. Not all of Miss Davis's psychologizing takes the form of stricture; some of it is appraisal and feels quite just:

Katharine White's was a deeply private nature, her life, essentially creative. Much of her time was spent alone in a room—reading, writing, and editing. Her personality is perhaps finally understood in this context: as one who needed this kind of solitary activity, and consequently more replenishment than the ordinary person needs from the world outside.

Her creativity expressed itself not only in her own slight, though confident

and lively, literary output, but in her endless editing. To the born editor, it must be, the mass of manuscripts looms as nature and experience do to the writer—as a superabundance to be selected from, and refined, and made shapely and meaningful. The attentive editor shapes, or at least pats, the writers. Katharine Angell's choice of jobs before 1925 were almost all social work, of a sort; she liked to deal with people, on the terms work provided. "In her contact with writers, whom she endlessly reassured, counseled, encour-

aged, and comforted, and to whom she was always available, Katharine was essentially maternal; paradoxically, she was unable to mother her own children. She was compelled to express her maternity by leaving her family, as, years earlier, she had left Nancy in the care of a nurse so that she could do volunteer

work with children... Editing gave her the distance she required while simultaneously allowing her to free her abundant warmth and gregariousness." While her three children, who are all alive and well, might dispute the down side of this analysis, few of her innumerable correspondents could deny that "Katharine White's letters give no indication of her formidableness: one who knew her only through her letters would find there a freer and more openly affectionate person than the woman others knew in life."

Though she was able to deal affably with such prickly male authors as John O'Hara and Vladimir Nabokov, female writers like Jean Stafford and Mary McCarthy elicited her least guarded epistolary affection, making up, perhaps, for a lack she once confided in a letter to her husband: "All I need is a woman friend or two which seems to be my great NYC lack." Faith McNulty is quoted to the effect that the "impression of strength" Mrs. White gave may have tended to isolate her: "I suspect that she did a lot of understanding of other people who leaned on her in various ways, but she looked so capable that it would not occur to one that she might need any sort of support."

She did not lack, in the second half of her life, for loyalty and love from her husband, or for family bustle, or for grandchildren (nine) and, toward the end, great-grandchildren (six). Miss Davis paints an engaging picture

of the North Brookline matriarch as he tries to impart to her proliferating descendants the severity of Maine's anti-marijuana laws and such old-fashioned customs as plum pudding for Christmas and dressing up for dinner. Her own girlhood, with its soft Brookline lawn and its summers of gathering water lilies by canoe on Lake Chocorua, returned in glowing paragraphs in her discursive, erudite gardening essays; they were posthumously collected in a lovely book that is sadly shy of its intended last chapter, about the gardens of her childhood, which her declining health didn't allow her to write. From almost the day of her retirement in 1961, her body was beset by a series of mishaps and illnesses: falls, faints, fears of a brain tumor, a blocked carotid artery that was misdiagnosed for eight months, and, most lastingly, painfully, humiliatingly—and expensively—a rare skin disease, subcorneal pustular dermatosis, which in its worst phases shed her skin like a snake's and precluded all but the lightest clothing. Cortisone side effects, shingles, a fractured vertebra, a kidney infection, osteoporosis, diabetes, failing vision, and congestive heart failure added to her Job-like plague of complaints, about which she was frank and animated—"I slop about all ungirdled and wearing loose cotton"—in the letters that she pushed out through the haze of drugs, often dictating and then emending in her shaky hand. She struggled on bravely to the age of eighty-four; though she was famous for her hypochondria, no one could quarrel with her last recorded words: "I'm sick."

Linda Davis deserves our gratitude for bringing Katharine White back to life—for placing her career as woman and editor in perspective, for eliciting interviews from living witnesses of this career, for putting into print the subject's written views of herself, and for publishing such a delectable array of photographs, including the striking, rather melancholy near-profile of Katharine Angell used on the jacket. Her handsome looks were not those of a typical thin-skinned New Englander; there was something exotic—Latin, or even Middle Eastern—about the thick hair pulled back in a big bun, the hook nose, the heavy lids and shadowed gray (not blue, as Brendan Gill to her vexation claimed in his "Here at The New Yorker") eyes. *Fortune* in 1934 described her as "hard, suave, ambitious," and the

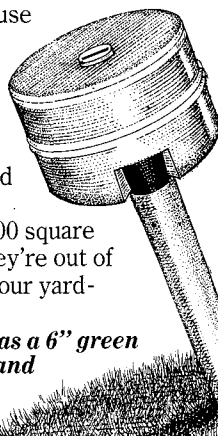
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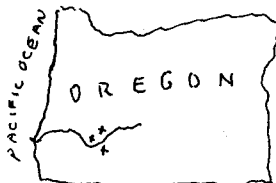
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a stoical understatement. There is not much of a plot; the bulk of the book consists of a parade of the wheeled and walking wounded, whose case histories are either about to be closed, or about to be extended by sutures and prescriptions. The doctor is, as he puts it, "capable of observation"—a quality of mind that he cannot shed when he leaves the hospital, the way he sheds his scrubs. His pretty wife and his bratty son are among the non-patients whose motives he dissects. And then there is the doctor himself: monitoring his own ingestion of sedatives; flirting with a female doctor; watching a film on "Disaster Management;" and considering, in a fit of jealousy, the uses to which a scalpel can be put.

GENERAL

OUT WEST: AN AMERICAN JOURNEY, by Dayton Duncan (Viking; \$19.95). Armchair adventure with history as a bonus. The author retraced, by car, Lewis and Clark's great voyage of discovery of 1804-1806. The expedition, dispatched by President Jefferson to search for a Northwest Passage and inspect his new Louisiana Purchase, journeyed the entire length of the Missouri River and then west over the mountain ranges to the Pacific. The route is filled with grandiose scenery and still offers enough difficulty so that the reader can appreciate the rigors the first explorers endured. Mr. Duncan found cowboys and Indians; a gigantic nuclear complex, at Hanford, Washington; foreclosed farms, failed banks, and vanishing small towns; and a handful of Lewis and Clark buffs, who chatted with him about every step of the route and every member of the party.

ORPHANS: REAL AND IMAGINARY, by Eileen Simpson (Weidenfeld & Nicolson; \$16.95). An exploration of the state of orphanhood, part memoir and part expository, with chapters on famous orphans in history and fiction, and on the psychological impact of orphanhood. Mrs. Simpson, an accomplished writer ("Poets in Their Youth" and "Reversals" are two of her previous books) and a psychotherapist, lost her mother when she was eleven months old and her father when she was seven, and, with her beloved slightly older sister, Marie, spent most of her nonage in a con-

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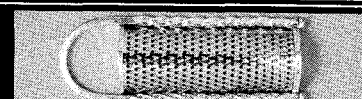
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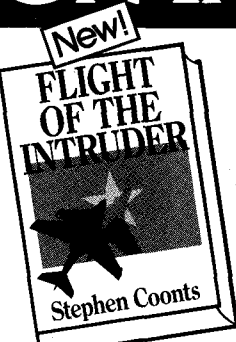


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vent on the Hudson, and in a "Pre-ventorium" for pre-tubercular children. Her recounting of her experiences and feelings in those years—the inescapable sense of aloneness and unworthiness, the disappointments and the fading of hope at holiday times, the recurring fantasy that her parents were not really dead—is touching and without sentimentality. Throughout, one is conscious that she has a serious purpose in telling us all this: to illuminate orphanhood from the orphan's point of view. Her insights into the lives of famous orphans—Leo Tolstoy, Jean-Jacques Rousseau, Huck Finn—are penetrating and original.

WORLD OUTSIDE THE WINDOW: THE SELECTED ESSAYS OF KENNETH REXROTH, edited by Bradford Morrow (New Directions; \$24.95). An engaging volume—sometimes cranky, always sprightly—of the prose of a poet, translator, essayist, and polymath. Rexroth (1905-82) was a radical in politics and a modernist in art. Both rebellions tended to develop into dogma, and both were often co-opted by trendiness. "Literature is work. Art is work," Rexroth admonished in "Revolt: True and False." He could admire without extravagance: in an essay on Pierre Reverdy, the French Cubist poet, whose work he translated, Rexroth described Cubism as "an hypertrophied classicism." Although these essays deal with painting, jazz, poetry, religion, and politics, Rexroth's deepest concern was language. There is a fascinating discussion of "The Influence of French Poetry on American," and a very fine essay, written for the Britannica, on "The Art of Literature."

TITANIC: THE DEATH AND LIFE OF A LEGEND, by Michael Davie (Knopf; \$19.95). As his book's title suggests, Mr. Davie is interested more in the causes of the Titanic's hold on the public imagination than in events on the night of April 14, 1912. The sinking of the Titanic was a drawn-out drama, with many witnesses and many instances of heroism or cowardice, and as perspectives changed the tragedy was able to accommodate new viewpoints and newly discovered truths as well as a luxuriant collection of myths. Mr. Davie, a British journalist, may occasionally push his symbols too hard, but his explora-

tion of the facts and fantasies churned up over the decades is consistently levelheaded.

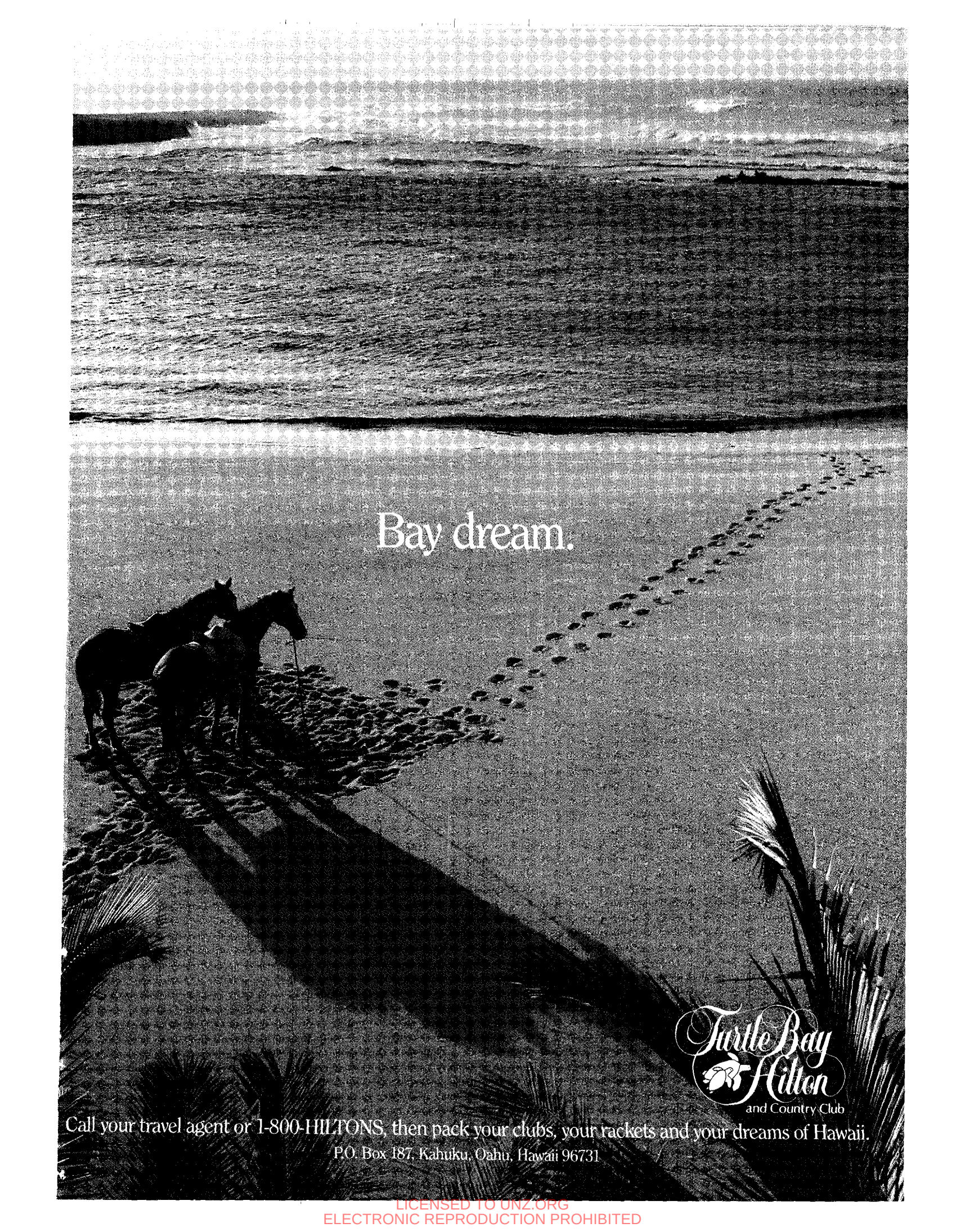
MYSTERY AND CRIME

SHOW ME A HERO, by Alfred Coppe (Harcourt Brace Jovanovich \$16.95). Harry Redding is a rich young movie hero of the Rambo stripe, with a highly developed sense of patriotic glory, and he thus falls eager prey to a proposal by certain forces that he underwrite a private military mission to free an American diplomat and his staff held hostage in the wilds of Libya. The scheme is an ingenious one: the secret commando is to arrive on the scene disguised as part of the cast of a Harry Redding movie about the American defeat at the Kasserine Pass in the Second World War. This group is headed by a real hero, one Major K. C. (Casey) Quarry, dropped from active Army service for hothead anti-terrorist attitudes, and it is he who tells us the story of the initiative, in all its turbulent twists and turns. It is a story that shows Mr. Coppel at his best.

MINNESOTA STRIP, by Michael Collins (Donald I. Fine; \$17.95). The one-armed private detective Dan Fortune is hired to find a half-Vietnamese young woman, apparently a prostitute, in New York City, but she has already been murdered. While Fortune attempts to discover who killed her and why, someone else appears to be following the same trail, with the objective of killing the killers. Mr. Collins' intricate, bloody story covers a lot of ground, both geographically and philosophically, as Fortune works his way from the seediest parts of Manhattan to a posh enclave of Asian refugees in Santa Barbara. By the time everyone has been disposed of, the author has managed to trot out his thoughts about the underclass, Asian immigrants, drugs, prostitution—a load of message that frequently threatens to upset the plot.

Flavor and texture of cooked okra are different from other vegetables. We usually don't eat it raw, but in judging at fairs, I frequently taste a slice of a pod to check maturity and condition. In soups, it is a thickening agent. When fried, I love okra. —Paul Bessey in the Tucson (Ariz.) Arizona Daily Star.

When sober, can't stand the stuff.



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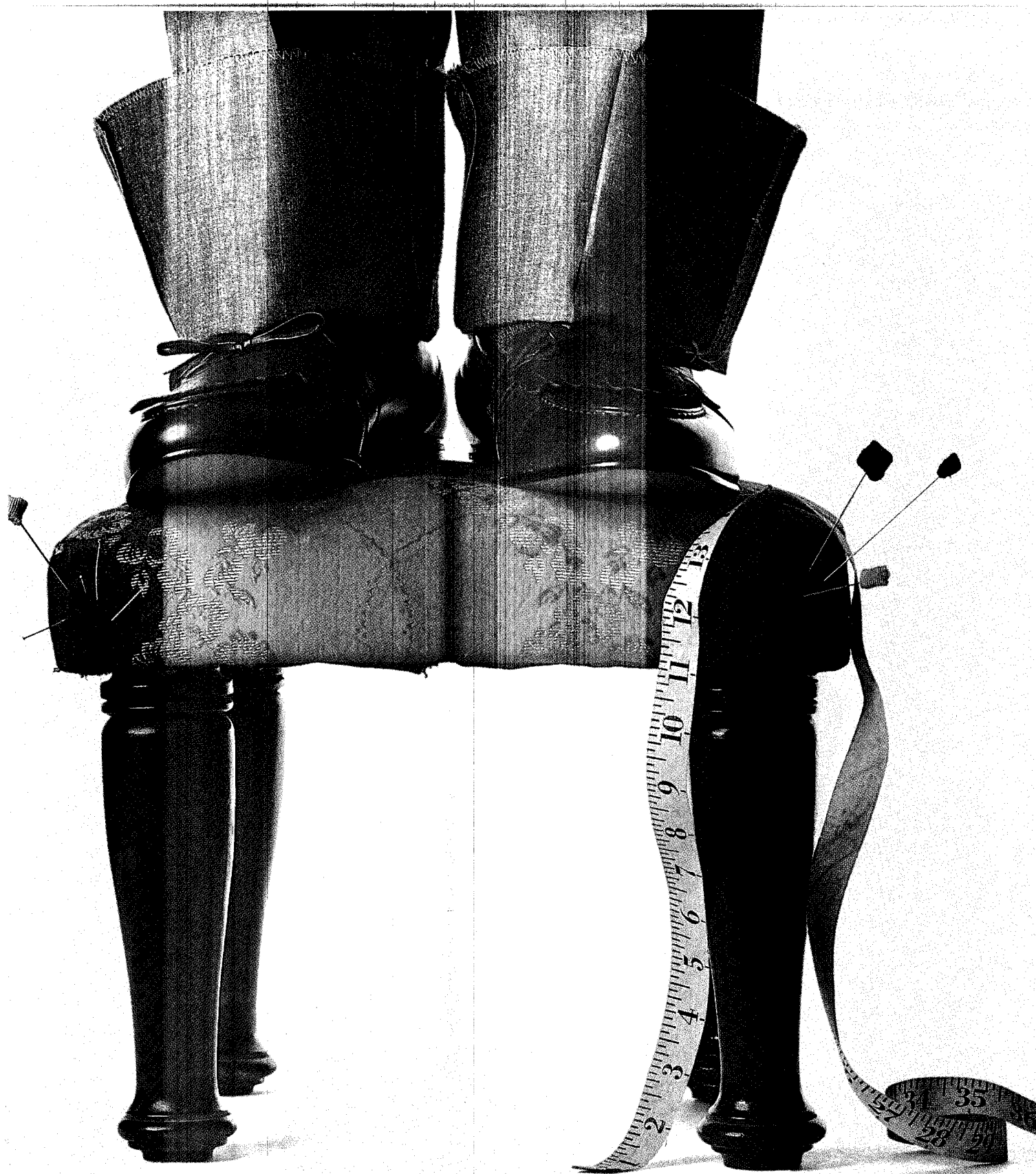
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